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Ontario

# ENVIRONMENTAL ASSESSMENT BOARD



VOLUME: 220

DATE: Tuesday, June 26, 1990

BEFORE:

A. KOVEN, Chairman

E. MARTEL, Member

FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

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ASSOCIATES &  
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the  
Honourable Jim Bradley, Minister of the  
Environment, requiring the Environmental  
Assessment Board to hold a hearing with  
respect to a Class Environmental  
Assessment (No. NR-AA-30) of an  
undertaking by the Ministry of Natural  
Resources for the activity of timber  
management on Crown Lands in Ontario.

-----

Hearing held at the offices of the Ontario  
Highway Transport Commission, Britannica  
Building, 151 Bloor Street West, 10th Floor,  
Toronto, Ontario, on Tuesday, June  
26th, 1990, commencing at 9:00 a.m.

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VOLUME 220

BEFORE:

MRS. ANNE KOVEN  
MR. ELIE MARTEL

Chairman  
Member





A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	
MS. C. BLASTORAH )	MINISTRY OF NATURAL
MS. K. MURPHY )	RESOURCES
MR. B. CAMPBELL )	
MS. J. SEABORN )	MINISTRY OF ENVIRONMENT
MS. B. HARVIE )	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRIES
MR. R. COSMAN )	ASSOCIATION and ONTARIO
MS. E. CRONK )	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY )	ASSOCIATION
MR. H. TURKSTRA	ENVIRONMENTAL ASSESSMENT
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DR. T. QUINNEY )	ANGLERS & HUNTERS
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MS. N. KLEER )	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK )	FORESTS FOR TOMORROW
MR. R. LINDGREN )	
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MR. R. BARNES )	ASSOCIATION
MR. R. EDWARDS )	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION





APPEARANCES: (Cont'd)

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MS. B. LLOYD )	
MR. J.W. ERICKSON, Q.C.)	RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK )	MUNICIPAL COMMITTEE
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MR. S.M. MAKUCH )	
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MR. D. KING	VENTURE TOURISM ASSOCIATION OF ONTARIO
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MR. R. REILLY	ONTARIO METIS & ABORIGINAL ASSOCIATION
MR. H. GRAHAM	CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY





APPEARANCES: (Cont'd)

MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION





I N D E X   O F   P R O C E E D I N G S

Witness:

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<u>MICHAEL R. INNES,</u>	
<u>WAYNE DOUGLAS YOUNG,</u>	
<u>LEN SUOMU,</u>	
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Continued Direct Examination by Mr. Cosman	39780
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I N D E X      O F      E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
1275	Hard copy of slides pertaining to MNR Interrogatory Question No. 21 (previously reserved)	39785





1 ---Upon commencing at 9:00 a.m.

2 MADAM CHAIR: Good morning. Please be  
3 seated.

4 MR. COSMAN: Good morning, Madam Chair.

5 MADAM CHAIR: Good morning, Mr. Cosman.

6 MR. COSMAN: I have only a few questions  
7 this morning. I'll continue with Mr. sue me first.

8 DALE MUNRO,  
9 MICHAEL R. INNES,  
10 WAYNE DOUGLAS YOUNG,  
LEN SUOMU,  
RICHARD DEAN FRY, Resumed

11 CONTINUED DIRECT EXAMINATION BY MR. COSMAN:

12 Q. Mr. Suomu, can I take you to Tab 5 of  
13 the comparison document, page 3.

14 With respect to the annual work schedule,  
15 will you please tell the Board how the Industry  
16 proposal differs from that of the Ministry of Natural  
17 Resources?

18 MR. SUOMU: A. With a little  
19 introduction, we are in basic agreement on the main  
20 thrust of the MNR evidence regarding the annual work  
21 schedules.

22 In working within the Industry, we like  
23 to avoid any unnecessary duplication in terms of  
24 documentation which has already been submitted, and our  
25 contention is that having gone through the timber

1 management planning process all the activities have  
2 involved a lot of public input, the required  
3 documentation, been open to the public scrutiny, and  
4 public input has been solicited and taken into  
5 consideration in the proposals for the TMP.

6 As a result, the annual work schedule is  
7 basically only that, a schedule which takes those  
8 portions of the activities which have already been  
9 approved and schedules them for a particular year.  
10 There shouldn't be any surprises in terms of the annual  
11 work schedule.

12 So in that sense we're saying that those  
13 items that have already been documented, and we're  
14 asking that as a requirement that stand listings, which  
15 are fairly onerous and very voluminous documentation,  
16 not be a requirement within the annual work schedule in  
17 the sense that they have already been listed and the  
18 public has had input into the operations which have  
19 been proposed.

20 MR. MARTEL: Can I ask a question, Mr.  
21 Suomu?

22 MR. SUOMU: Yes.

23 MR. MARTEL: If they are already  
24 prepared, is it not possible just to duplicate them and  
25 just run them?



1 MR. SUOMU: In the sense that they have  
2 been listed.

3 MR. MARTEL: Or do you have to break them  
4 down?

5 MR. SUOMU: They have been listed in a  
6 fairly large group. In some cases it may be possible  
7 if in fact operations can be pulled out block by block,  
8 but if it's in a larger unit, then we may be picking  
9 out of a block a certain portion of it and it would  
10 involve having to go back through the list and list  
11 them again.

12 Our proposal is that we go to this  
13 particular system and document it on maps.

14 MR. COSMAN: Q. When you said this  
15 particular system, you were referring again to the  
16 exhibit now behind you, Mr. Suomu?

17 MR. SUOMU: A. Yes. This would be the  
18 documentation for the annual work schedule in effect.

19 Q. How so, how would it do that?

20 A. In that maps would show the proposed  
21 operations for a particular year. Anybody can look at  
22 the map and see very clearly what is being proposed,  
23 where it's being proposed and, in fact, in some of  
24 these cases where there are seasonal restrictions when  
25 it's being proposed. And in our case, as long as it

1 has been documented in the timber management plan, we  
2 feel that this should suffice in terms of requirements  
3 for all parties concerned.

4 Annual work schedules have become a  
5 fairly onerous document over the years, they do take a  
6 lot of time, and our convention is that the time that  
7 staff has spent should be spent in the field actually  
8 putting these proposals on the ground versus  
9 documenting them in the office. You can't do that type  
10 of work sitting behind the desk, and I think our staff  
11 time is more profitably used by going into the field  
12 and actually putting these prescriptions on the ground,  
13 inspecting them for a final run to make sure that we  
14 haven't missed anything and that we are fully satisfied  
15 with the final proposal.

16 The other difference that we have is in  
17 terms of submission dates. The FMA annual work  
18 schedules are required now at the end of November;  
19 whereas all other management units submissions for  
20 annual work schedules are January the 31st. We would  
21 like to see a standardized date set and we recommend  
22 that January the 31st for all management units,  
23 regardless of whether they are FMAs or company or Crown  
24 units.

25 Q. Why do you propose a standardized

1 date for annual work schedule submissions?

2 A. In terms of planning it's nice to  
3 have. If you have several units, being able to  
4 schedule them in in the same fashion, being able to  
5 schedule staff workloads in the same way, so that they  
6 can all be handled on the same schedules. It's just an  
7 easier method to use.

8 Some of the requirements, I think, for  
9 the FMA may have required funding requests in terms of  
10 budgeting funding for the upcoming year, that can still  
11 be done informally, which it is anyway prior to the  
12 submission of the annual work schedules, preliminary  
13 estimates are already in the hands of the MNR.

14 So that I don't think that our request  
15 really changes that in any way.

16 Q. All right. Thank you, Mr. Suomu.  
17 Back to Mr. Munro. Mr. Munro, yesterday you showed an  
18 overhead with respect to the terms of reference for the  
19 five-year audit of the forest management unit.

20 MR. COSMAN: We have made hard copies of  
21 that and you reserved a position I believe, Madam  
22 Chair, for that particular exhibit.

23 What was the number, and I will hand out  
24 copies of that. (handed)

25 MADAM CHAIR: It was Exhibit 1275.



1       ---EXHIBIT NO. 1275:

2                   MR. LINDGREN: I'm sorry, Madam Chair,  
3       what's the number?

4                   MADAM CHAIR: Is this Exhibit 1275?

5                   MR. COSMAN: I believe so. I will just  
6       confirm that.

7                   MR. COSMAN: Yes it is, Madam Chair.

8                   MADAM CHAIR: Thank you.

9                   MR. COSMAN: Q. And Mr. Freidin  
10       indicated, Mr. Munro, that there were some variation  
11       between that and the terms of reference that were  
12       actually set out in answers to interrogatory.

13                   Can you just tell us, first of all, what  
14       those variations were and why the changes were made?

15                   MR. MUNRO: A. Initially this overhead  
16       was of the preliminary draft of it and there's two  
17       changes that we made in the final, and they are  
18       referenced in Question No. 2 we refer to.

19                   Q. Why don't you, that's right, actually  
20       mark the words so that everyone can actually underline  
21       the changes right on their exhibit.

22                   A. Right. We indicated that the map of  
23       cutover areas be classified non-treatable. We changed  
24       that, just to take out 'classified non-treatable',  
25       because it's really part of the cutover mapping anyway

1 and it seemed quite redundant to do it. It is also  
2 part of the silvicultural records, so it didn't really  
3 fit in there, so we took it out.

4 Q. So when you look at the final draft  
5 which is the answer contained in the interrogatory, it  
6 would have the words 'areas classed non-treatable'  
7 eliminated?

8 A. Deleted.

9 Q. Deleted, right.

10 A. And the fourth part dealt with the  
11 relationship between harvest and forest regeneration,  
12 and when we looked at it we said to ourselves: Well,  
13 what does -- what are we trying to say, and really what  
14 we are trying to say is to examine the relationship  
15 between harvest and the success of regeneration, and if  
16 you look at the interrogatory we put the word 'success'  
17 in to isolate it and make it more practical in terms of  
18 defining the role of the audit team.

19 Q. So is there any substantive  
20 difference between the draft that has been marked at  
21 the request of Mr. Freidin and the final draft in the  
22 interrogatory?

23 A. No substantial difference whatsoever,  
24 just a few preliminary drafting changes.

25 Q. All right. Now, I just also would

1 like to ask you a few questions with respect to the  
2 enhanced planning process, Mr. Munro.

3 You gave evidence yesterday that under  
4 the enhanced planning process documents -- values are  
5 identified, documented and the prescriptions to protect  
6 the values are also documented.

7 A. That's correct, on the FRI map.

8 Q. On the maps, and an example of that  
9 presented--

10 A. Yes, yes.

11 Q. --as an operating map.

12 A. Yes.

13 Q. We also know from prior evidence with  
14 respect to the Ministry's area of concern planning  
15 process that values are identified, documented and the  
16 prescriptions again are documented, and the MNR wants  
17 additional documentation, which you yesterday expressed  
18 to be unnecessary and a matter of concern for Industry?

19 A. That's correct.

20 Q. Since both systems identify values  
21 and protect them by appropriate documented  
22 prescriptions, why do you say that the Industry  
23 planning system is more appropriate and should be  
24 preferred by the Board?

25 A. Madam Chair, Mr. Martel, both systems



1 do document the area of concern, as I mentioned  
2 yesterday it's been an evolving process. We are  
3 indicating that we are going to show the actual  
4 prescription on the map. In previous plans we would  
5 show it as a number and then you would have to go to  
6 some document to figure out what that prescription was.

7 We're saying that map is the most  
8 powerful communication tool that we have available to  
9 us, it is what we use at our information sessions, it's  
10 what we use when we are talking to interested  
11 individuals because that's where the activity is  
12 planned, that is where it's going to occur more or  
13 less. It's easily understood on a map, it's  
14 graphically presented so that the public can understand  
15 how you're going to protect the value and what the  
16 activity is.

17 We feel it's important that there only be  
18 one spot where the documentation occurs and that best  
19 would be done on the FRI map which is the communication  
20 tool that we use.

21 The other part of that is there really is  
22 realistically a limited amount of technical expertise  
23 that's available and under our proposal we're  
24 recommending that that expertise be concentrated on  
25 true areas of concern.

1 Q. What expertise are you talking about?

2 A. In terms of technical expertise,  
3 biologists.

4 Q. Ministry staff?

5 A. Ministry staff. Even the public as a  
6 whole has a limited amount of time and effort and  
7 expertise, and instead of spending it on what we  
8 classify as a routine type application of the  
9 guidelines, normal daily business, we believe that time  
10 and effort should be spent on true areas of concern.

11 The other thing, in talking to my peers,  
12 the documentation that appears in the back of the plan  
13 in terms of the written documentation, we find that  
14 that is not very often referred to at open houses. We  
15 get the maps out, we walk the public through what we're  
16 going to do, and that is how we plan, and that having  
17 it in the back of the plan may suffice in terms of  
18 documentation but it really is not used and the map is  
19 what is used.

20 And really the best part about the map,  
21 it allows the public, interested parties, the plan  
22 author, the advisory committees to really focus their  
23 attention on what is going to happen and where the true  
24 areas of concern are.

25 Q. Thank you. Addressing this to all of

1 the members of the panel, all of you have had  
2 experience with the area of concern planning process as  
3 it is now employed by the Ministry of Natural  
4 Resources.

5 Mr. Young, Mr. Suomu, we heard from you  
6 Mr. Munro, Mr. Fry, Mr. Innes. Just around the table,  
7 in your own experience, the various information  
8 centres, open houses that you have attended, has the  
9 public ever gone to the schedules with respect to the  
10 areas of concern.

11 Mr. Young?

12 MR. YOUNG: A. In my experience, no, I  
13 have not seen that.

14 Q. Mr. Suomu?

15 MR. SUOMU: A. In my experience, no,  
16 it's -- the only ones referencing that are basically  
17 technical people.

18 Q. Mr. Fry?

19 MR. FRY: A. I can only speak for -- in  
20 my experience, no, there has not been a lot of  
21 reference by the public to the documentation.

22 We had an open house in Manitouwadge  
23 recently for the Black River Forest, we had over 80  
24 people attend that open house and, to my knowledge,  
25 there was only four or five people that referred to the

1 documentation.

2 Two of those were Ministry people who  
3 were in some way involved in the review of the plan and  
4 wanted to satisfy themselves that we were in fact  
5 meeting the documentation requirements; two others were  
6 representatives of a another company who wanted to  
7 compare how our documentation process compared to  
8 theirs, and I believe the fifth one was a member of the  
9 planning team from MTR who simply wanted to see how  
10 lakes that had some tourism values were documented in  
11 the documentation.

12 There may have been other people that  
13 referred to it, but I was not aware or I did not see  
14 it.

15 Q. Can you add to that, Mr. Innes?

16 MR. INNES: A. Madam Chair, I have asked  
17 this question of the staff that work for me and the  
18 answer has been that the general public is not  
19 interested in digging in the binders trying to find  
20 numbers to see what was done for a eventual area of  
21 concern.

22 And if I may add that it was for this  
23 reason, from my point of view, that there was merit in  
24 making a much simpler plan which would show graphically  
25 where things were going.



1 Q. And with the plan that is employed,  
2 that is the operating plan, with the values identified  
3 and with prescriptions identified on it, can the public  
4 satisfy itself and, for that matter, can any Ministry  
5 official satisfy himself or herself that in fact a  
6 value that has been identified is protected by a given  
7 prescription under the system that Industry is  
8 proposing, Mr. Munro?

9 MR. MUNRO: A. We believe they can and  
10 for the most part they have been doing that. We have a  
11 process in place called the enhanced planning process.  
12 If people don't understand it in terms of how the plan  
13 activity is being carried out and what the protection  
14 is, all they have to do is raise the concern and we  
15 will walk the people through the process, and where we  
16 have or there is insufficient documentation, we will  
17 ensure that through the enhanced planning process that  
18 documentation begins.

19 Q. Mr. Innes, the planning process for  
20 Industry has been highlighted in the comparison  
21 document, it's been amplified in the written witness  
22 statements, it's been explained in the oral evidence,  
23 it's been scheduled on a timetable, all of which is  
24 before the Board.

25 Are the elements of the planning process

1 of the Ministry tied together in some fashion?

2 A. Madam Chair, if I may ask Mr. Cosman,  
3 you said of the Ministry?

4 Q. I'm sorry, of Industry?

5 A. Of Industry, thank you. Yes, they  
6 are tied together, we hope in a way that makes imminent  
7 sense, Madam Chair, in terms of the additional document  
8 which you had filed with you yesterday, I believe.

9 Q. I wonder if we can ask the Board to  
10 turn to that document.

11 MR. INNES: A. 1271, Madam Chair, is the  
12 number of that. In the Table of Contents of that we  
13 have laid out a preamble and an overview to that which  
14 gives the framework of the planning system which you  
15 heard about yesterday and concluded with this morning,  
16 and that tried to put it into simple words in terms of  
17 the structure for the whole thing which we hope we  
18 amplified for you in the past submissions.

19 However, more importantly, the terms and  
20 conditions which begin on page 22 in this particular  
21 document and carrying on from there --

22 Q. Perhaps we can turn to that.

23 A. Give me some time -- starting on page  
24 22 and then going on to page 23 with the Schedule A,  
25 deals with the individual components that were

1 presented to the Board yesterday, including this  
2 morning, such as the advisory committees and the public  
3 consultation and the supplementary documentation.

4 Each item that we spoke about is all part  
5 of this process which fits together as an integrated  
6 whole, and what we have done through the overview,  
7 through the presentation, and through the terms and  
8 conditions is to put together a complete set of  
9 interlocking components which comprise an entire  
10 planning system, and I stress the word system, as we  
11 think it hangs together in a fashion which is quite  
12 meaningful.

13 We have gone to the end of the terms and  
14 conditions, and if you would turn to page 53, and  
15 talked about the Class EA approval period and review  
16 requirements, and then moving on from there.

17 Q. Just slow down, just for one moment,  
18 just to allow people to find page 53. Okay, thank you.

19 A. And moving on to there, to page 54,  
20 we have spoken to the required changes to the  
21 environmental assessment document and again on page 55,  
22 implementation schedule.

23 So we hope in that fashion we have laid  
24 before the Board something which outlines a complete  
25 system and the changes required to the EA document to

1 bring this new system into place, Madam Chair.

2 Q. Now, is this, Mr. Innes, a system  
3 that you borrow from Georgia or some other place?

4 A. Madam Chair, no, this is a Canadian  
5 Ontario home-grown system which in fact our colleagues  
6 have put together with the assistance of those in the  
7 forest industry to be something that we think reflects  
8 the needs of Ontario, it reflects our societal values,  
9 it reflects our forests and it reflects a workable  
10 system in terms of something we can implement at a  
11 ground level to have effective timber management  
12 carried out in Ontario, and I stress Ontario. And we  
13 make no pretense that it's applicable elsewhere.

14 So in that respect, it's home grown,  
15 hopefully made to our requirements.

16 MR. MARTEL: How difficult would it be  
17 for MNR who have a planning process, in your view, to  
18 alter theirs to fit yours? Would that be in your  
19 view -- do you see that as an onerous undertaking?

20 MR. INNES: No, I don't, Mr. Martel. I  
21 think that's quite doable, if that is the word you use.  
22 It's not terribly onerous in my mind or the committee's  
23 mind because - and I'll tell you why I say that, sir -  
24 is I think we have to make progress gradually in terms  
25 of trying to move the yardsticks ahead and to get



1 better timber management, and I don't see it realistic  
2 to try and make a quantum leap or cataclysmic change  
3 from where we are now to something which is way into  
4 the future which may take us a tremendous amount of  
5 time and effort to try and get to.

6 I think we have to build upon systems  
7 that we now have and make changes in a positive  
8 direction and meaningful fashion.

9 And as a result, this system was designed  
10 specifically to be something that builds upon the MNR  
11 system, which in our impression is better than that,  
12 and also is something in which a transition can be made  
13 with relative ease and quite quickly.

14 MR. COSMAN: And, Madam Chair, just from  
15 a legal perspective, if it finds favour with you at the  
16 end of the day after you hear all submissions and have  
17 a chance to go through it, by adopting the terms and  
18 conditions as set out in Schedule A starting at page  
19 22, that in effect has the mechanism in it to effect  
20 the change that Mr. Martel has asked about.

21 Those are my questions of Panel 10, Madam  
22 Chair, and I will move aside so that one of the next in  
23 line can take my place.

24 MADAM CHAIR: Thank you, Mr. Cosman.

25 Mr. Lindgren?

1 CROSS-EXAMINATION BY MR. LINDGREN:

2 Q. Well, good morning, panel. Perhaps I  
3 can start with Mr. Innes and can I ask you to turn to  
4 Roman numeral ii of the witness statement which is  
5 Exhibit 1269.

6 MR. FREIDIN: What exhibit?

7 MR. LINDGREN: Exhibit 1269.

8 MR. INNES: That is as in ii?

9 MR. LINDGREN: Q. Correct.

10 MR. INNES: A. I'm with you.

11 Q. Now, at the top of this page there is  
12 an indication that:

13 "The Industry has prepared approximately  
14 32 timber management plans using the  
15 current MNR system."

16 And you go on to indicate that:

17 "This experience has enabled the Industry  
18 to evaluate that process."

19 And you recommend some changes, and in  
20 fact in paragraph No. 4 you indicate:

21 "Industry proposes a different and more  
22 effective planning process for timber  
23 management planning in Ontario known as  
24 an integrated resource management  
25 planning system."

1 And stopping right there, can I ask you  
2 precisely what is meant by the term more effective  
3 planning process?

4 A. Certainly. I would like to answer  
5 that question, Madam Chair, by going back to our  
6 response in the terms and conditions which I believe we  
7 led the Board through, in which we tried to say why we  
8 thought it was more effective, Mr. Lindgren.

9 MR. COSMAN: You said the terms and  
10 conditions, the interrogatories?

11 MR. INNES: I'm sorry, the  
12 interrogatories is what I should have said in that  
13 particular case. I hope I choose the right one.

14 MR. COSMAN: No. 2.

15 MR. INNES: Thank you. Madam Chair, this  
16 is the response to the Ministry of Natural Resources  
17 Interrogatory No. 2 and we carefully considered why we  
18 thought that our system was more effective, and more  
19 effective meant an opportunity for increased public  
20 consultation and participation, a greater opportunity  
21 for the public to understand the technical decisions  
22 underpinning the management strategies for the  
23 resource, a better opportunity to understand the  
24 rationale for the resource management decisions made by  
25 MNR, because it provides for a more direct involvement

1 with individuals having specific concerns, because it  
2 provides for an independent audit of management plans  
3 which permits incorporation of results in the  
4 succeeding plan, because it identifies the plan author  
5 as the person responsible for the plan - we spoke about  
6 that - and because it will produce a plan which will be  
7 more easily understood by the public and will be of  
8 greater relevance in the plan implement -- or in  
9 implementing this at a field level.

10 MR. LINDGREN: Q. I take it that the  
11 Industry's position is that there is in fact a need for  
12 a different planning system; correct, that's why you  
13 are proposing this system?

14 MR. INNES: A. I would answer the  
15 question, Madam Chair, in terms of an enhancement to an  
16 existing planning system.

17 Q. Okay. And then returning to the  
18 question of why this may or may not be more effective,  
19 can I ask you to look at paragraph 5 on page Roman  
20 numeral ii where we see a listing of some of the  
21 factors that you have just read into the record.

22 And can I ask you to explain to us and to  
23 the Board what are the principle deficiencies in the  
24 current planning process in terms of public  
25 participation which we find in paragraph 4. Can you



1 -- advise me what are the shortcomings in the current  
2 system and how do your proposals specifically address  
3 that?

4 A. Madam Chair, in the Industry's mind  
5 the public participation process occurs at a point in  
6 time where the management plan, the timber management  
7 plan is effectively put together and there has not been  
8 extensive public consultation in terms of where the  
9 concerns lie, where the values are or providing a  
10 chance for intensive discussion of the management  
11 strategies, any problems that may occur.

12 And in this respect we think that there  
13 is an opportunity for increased public participation  
14 through holding the two information centres, the first  
15 one in terms of the background information, allowing  
16 for public input and which will hopefully give the plan  
17 author a much greater appreciation of public concern, a  
18 chance to update the values map and increase public  
19 input and, thereby, produce a plan for the second  
20 information session which reflects concerns and which  
21 will be a more meaningful plan in terms of recognizing  
22 public input.

23 To that extent we think our process for  
24 increased public participation adds to the planning in  
25 terms of making it more meaningful.

1 Q. And at the beginning of your answer  
2 you were referring to some problems associated with  
3 public participation. I take it that you are referring  
4 to the current planning process? You didn't make that  
5 clear, I'm just attempting to clarify that point.

6 A. Mr. Lindgren, I don't understand your  
7 question. Could you rephrase that in a different way,  
8 please?

9 Q. Certainly. In your answer you refer  
10 to the fact, for example, that the information centre  
11 may occur too late in the process, and I take it those  
12 comments were directed at the current planning process?

13 A. That's correct, Mr. Lindgren.

14 Q. Then moving on to subparagraph 5, can  
15 you advise me with respect to that paragraph what is  
16 the principal deficiency in the MNR's planning process  
17 and how do Industry the proposals address that?

18 Referring to paragraph No. 5, which  
19 indicates, your process will assist in determining  
20 whether implementation of timber management plans  
21 resulting in the achievement of stated management  
22 objectives.

23 A. Madam Chair, the tri-level planning  
24 committee system which the Industry recommends is the  
25 process whereby this occurs, and we believe that there

1 must be a quantification of timber management targets  
2 and also the timber management component of the  
3 non-timber management targets, and that this be put  
4 right in the plan and that there be a report back in  
5 the public forum which allows progress to be checked  
6 towards the achievement of these targets and, thereby,  
7 the overall goals and objectives that are set forth.

8 This mechanism is through the integrated  
9 resource user committee which is a public advisory  
10 forum in which there will be public scrutiny of  
11 progress made towards target accomplishment and at the  
12 moment we see this lacking in the public forum and we  
13 hope that our design process will cover off this lack.

14 Q. I take it from your answer that  
15 Industry perceives that there is a problem currently  
16 with the determination of whether the implementation of  
17 timber management plans will result in achievement of  
18 stated management objectives.

19 What is the problem that Industry is  
20 attempting to address or resolve through its proposal?

21 A. Madam Chair, I don't see that as a  
22 problem as much as I see it a change in societal values  
23 from the time that this planning process that MNR uses  
24 was put together to the place where we are now at.

25 I think there is a need for a refinement

1 of the system, a different type of a system, inasmuch  
2 as there is very much greater public interest in timber  
3 management and resource management and, hence, a need  
4 to have a more open forum in terms of showing precisely  
5 what objectives there are, showing what targets there  
6 are and how they relate to objectives, and providing  
7 for some scrutiny of moving towards this.

8 All that we do in the management of  
9 public resources has to be within the framework of  
10 public acceptability and, in Industry's mind, public  
11 acceptability and the public framework has now changed  
12 to the point where there has to be more openness and  
13 more scrutiny and our process recognizes that need.

14 Q. And I take it from your answer that  
15 is not occurring to Industry's satisfaction at this  
16 point?

17 A. We perceive this as an opportunity to  
18 be more in line with what the public requires.

19 Q. And then turning to the next  
20 paragraph you indicate that:

21 "The planning system will provide a  
22 system that is auditable."

23 Can you advise me what is the principal  
24 deficiency of the MNR planning process that that is  
25 intended to address?



1                   A. Mr. Munro spoke to the audit process  
2       which Industry is recommending. One of the benefits of  
3       an audit is to provide credible information and, as he  
4       mentioned before, we see that process being enhanced by  
5       having a separation of the audit team from the Ministry  
6       of Natural Resources who currently has the  
7       responsibility for management of the forest, and we  
8       also see it as a benefit to have an independent audit  
9       team which can produce the results in a much shorter  
10      time frame and to change the timing in a way in which  
11      the results can be incorporated into the next plan, and  
12      to provide a process whereby you can tell, in the  
13      public forum, whether or not the results of the audit  
14      have been implemented in terms of the changing goals  
15      and objectives of the next plan.

16                   The MNR system does have an audit process  
17      which we participate in and in fact welcome, as it's a  
18      public resource, and it must be an open audit of what  
19      happens.

20                   We think our proposal has a refinement of  
21      this system which will generate credibility, make the  
22      results more meaningful, and produce them in a timespan  
23      which will be of use to the plan author.

24                   MADAM CHAIR: Mr. Innes, could you remind  
25      me again how frequent the audit is that you're

1 proposing?

2 MR. INNES: The audit, Madam Chair, is  
3 every five years which is the current timing of the  
4 audit but it is phased in a different manner than what  
5 the current audit is.

6 MADAM CHAIR: Mm-hmm.

7 MR. LINDGREN: Q. Mr. Innes, is it the  
8 Industry's position that the current planning system is  
9 not auditable or not as auditable as your system is?

10 MR. INNES: A. The question is too broad  
11 to answer with a yes or no, Mr. Lindgren. In terms of  
12 the FMA, forest management agreements, the audit system  
13 is very tight and it audits the plans, as you well  
14 know, every five years and a report is made and the  
15 process goes on.

16 It is our understanding that there is an  
17 internal Ministry of Natural Resources audit at -- I  
18 don't know what the interval is to be honest, of their  
19 Crown management units which audits the results of  
20 their Crown management units and the administrative  
21 process.

22 What we are suggesting is that all  
23 management units in the province be audited on a  
24 five-year basis and it be done on the same basis right  
25 across the province. So in that respect it's a

1 refinement, I think, of what the current process is, an  
2 extension of the current process as it applies to the  
3 FMAs.

4 MADAM CHAIR: Excuse me, Mr. Innes. What  
5 you're proposing is that this audit will look at the  
6 compliance to the FMA program and as well look at  
7 measuring performance of the individual management  
8 unit?

9 MR. INNES: That's correct, Madam Chair.  
10 We are suggesting there be one type of audit, that it  
11 be applicable across the entire province, that it be  
12 applicable to each management unit be it a Crown  
13 management unit, a company management unit or a forest  
14 management agreement area and that it be done every  
15 five years.

16 Furthermore, in the case of the forest  
17 management agreements, the audit would be structured in  
18 such a way that it would meet the requirements under  
19 the Crown Timber Act for the Minister to report to the  
20 legislature and also make a recommendation for the  
21 renewal, if appropriate, of a further five years of the  
22 FMA. So it would be a standardized process, Madam  
23 Chair, at a standardized time.

24 MR. LINDGREN: Q. Moving to the next  
25 paragraph, Mr. Innes, there's an indication that "Your

1 planning system will provide a range of acceptable  
2 practices where professional judgment can be exercised.

3 And again I would ask you: What is the  
4 principal deficiency of the current planning process  
5 that that is intended to address, and perhaps you can  
6 advise me precisely how the Industry proposal will in  
7 fact address that deficiency?

8 MR. INNES: A. Madam Chair, there has to  
9 be in Industry's opinion a degree of comfort provided  
10 to the public, such that they understand what  
11 management practices will be utilized in the management  
12 of the timber resource.

13 To this extent we are recommending that  
14 the guidelines be reviewed, you'll recall, by the  
15 technical committee and reviewed specifically to ensure  
16 that they contain a set of management practices which  
17 are adequate for the protection and enhancement, if  
18 possible, of that value.

19 For example, let's talk about moose  
20 guidelines. And those guidelines, in our mind, should  
21 be constructed in such a way that it says: Here are the  
22 acceptable practices that should be used in the  
23 management of moose in terms of the timber management  
24 component of that particular management strategy, and  
25 that being a public document is something which the



1 public can pick up and say: Now I know what is going to  
2 happen in the forest relative to moose management, and  
3 the forester and the biologist when they look at these  
4 management techniques out there have these range of  
5 options available to them to carry out that particular  
6 program with -- in terms of manipulating the forest  
7 resource, the timber resource out there.

8 And I think it does something which could  
9 be refined from the point it now is, in terms of  
10 specifying exactly what is known in scientific  
11 knowledge, specifying what's appropriate in terms of  
12 environmental impact and specifying the range of those  
13 techniques so there is no mistaking as to what can  
14 happen in the management of the timber resource  
15 relative to that particular program.

16 Guidelines are relatively new to the  
17 Ministry of Natural Resources and, hence, to the forest  
18 industry, and what we're looking for here is a  
19 refinement of the guideline process and a little more  
20 specificity in that particular set of guidelines as we  
21 go along so it becomes, again, a step ahead in terms of  
22 quantifying a little more explicitly what the  
23 guidelines should obtain and, in some cases, taking  
24 them as they are; in some cases making them a little  
25 more definite range of practices therein.

1 Q. We'll return to that issue in a few  
2 minutes, Mr. Innes, but perhaps I can ask you this  
3 question: Is it the Industry's position that the  
4 current guidelines in particular and the current  
5 planning process in general do not provide a range of  
6 acceptable practices where professional judgment can be  
7 exercised?

8 A. We are in a transition process in  
9 terms of utilizing guidelines some of which have been  
10 in place for awhile, some of which have just recently  
11 been written, and some of which are still in draft form  
12 and some of which have not yet been prepared.

13 And in this process of trying to put  
14 guidelines in place there is obviously a range of  
15 quality in the guidelines and a range of directness in  
16 terms of where the guidelines are at, and if you take  
17 some of the guidelines, Madam Chair, such as the osprey  
18 guideline, it is very specific and it says: You shall  
19 Usual do this and this alone, or this is based on a  
20 level of scientific information, as I understand it, in  
21 that guideline. And that to us is very explicit  
22 direction as to what we must do in the management of  
23 osprey in terms of protecting nesting sites, and that  
24 is a very direct guideline.

25 If you go into some of the other

1 guidelines, they are somewhat less direct and we see an  
2 opportunity perhaps over time to make those a little  
3 more direct or provide a range.

4 So there is -- in direct response to Mr.  
5 Lindgren's question, there is a range of activities in  
6 there and I think we're looking at an evolutionary  
7 process as the scientific experts bring management  
8 techniques to a degree of precision required at a field  
9 level.

10 Q. I think you've just indicated that  
11 there is currently a range in quality among the  
12 guidelines. In other words, Mr. Innes, are you saying  
13 that some guidelines are good and some are poor as they  
14 currently exist?

15 A. I am not able to answer that with a  
16 yes or no because I'm not the technical expert that  
17 puts together the guidelines.

18 Guidelines must be based upon two  
19 things -- three things really, I mentioned these  
20 before, one is the level of scientific knowledge which  
21 specifically drives the management techniques in there;  
22 the second one is the consideration of environmental  
23 impact that management techniques contain in those  
24 guidelines has and they must be analysed to make sure  
25 that the environmental impact is acceptable; and,

1 thirdly, they must be within the scope of societal  
2 values and acceptability.

3 So I am not prepared to comment whether  
4 guidelines are adequate or not and, for that particular  
5 reason, we recommended that there be a technical  
6 committee struck composed of professional experts with  
7 interdisciplinary commissions who are able to make that  
8 assessment.

9 Q. Well, when you referred to the range  
10 in quality among the guidelines, I'm wondering if you  
11 had any particular examples in mind. For example, can  
12 you advise us which guidelines are at the top end of  
13 the range of quality and which ones are at the bottom  
14 end?

15 A. No, I can't specifically do that. I  
16 can though draw your attention to the fact that some of  
17 the guidelines were put together as late as 10 years  
18 ago, and I suggest too, Madam Chair, that there has  
19 been advance in scientific information over a 10-year  
20 period and I would suspect, though I don't know, that  
21 the technical and professional experts would want to  
22 review those in terms of updating.

23 Q. Okay, thank you. Then turning  
24 finally to the eighth paragraph on page Roman numeral  
25 ii you indicate that:



1 "The planning system is intended to  
2 ensure a workable and effective and  
3 process at an operational level."

4 And again can I ask you: What is  
5 principal deficiency in the current planning process  
6 that is intended to address?

7 A. Madam Chair, we had an excellent  
8 example of that just a few moments ago, and the map  
9 behind Mr. Young over here is one of those things.

10 In terms of areas of concern that the  
11 Ministry has, which are kept in a big binder now, for  
12 maybe 1,200 of these things in some of our management  
13 plans. Rather than that, I would prefer - and we see  
14 from this committee's point of view - a refinement  
15 possible, instead of having our values with the  
16 prescriptions right on there, put on a map which we  
17 hand to our field staff and say: When you are laying  
18 out your cut, here's exactly what you have to do,  
19 here's what you have to look for, here's where the  
20 prescriptions are, please make sure that you do this,  
21 rather than having people look things up in the back of  
22 a binder.

23 To my mind that's a very workable sort of  
24 thing that we have put together here in terms of  
25 applicability to our field staff and implementation

1 level. It's also workable in terms of how the public  
2 understand this and how it can be utilized at an  
3 information centre. So that is one example of the type  
4 of more workable effective process that we are talking  
5 about putting in place here.

6 MADAM CHAIR: The process as it works  
7 now, I remember on a site visit that we were on, I  
8 think it was one of Mr. Suomo's sites, we went into the  
9 trailer at the site -- at the operations and there was  
10 a big map with all kinds of coloured tacks stuck into  
11 it and those were showing various areas of concern and  
12 areas where there would be prescriptions.

13 And as it stands now, your people go in,  
14 they look at that map, and then when they're out in the  
15 field they take with them the stand maps from the back  
16 of the area of concern report or whatever is in the  
17 timber management plan and they go out in the field  
18 with that?

19 MR. INNES: Madam Chair, may I attempt to  
20 answer, and then may I ask my colleagues here who are  
21 more closely connected in the field level to add more  
22 to that.

23 As I understand it at the moment, yes,  
24 there is a big map on the wall, as you go into your  
25 operational camp, and it has whatever numbers on it or

1 red-coloured pins and yellow pins or whatever on there,  
2 and what the operational forester at a camp level must  
3 do is to get from the red coloured pin with number 13  
4 beside it and go back into a binder and open that up  
5 and find in there a page which says area of concern No.  
6 13 which says these particular things on it which you  
7 will have to do when you get to that place on the  
8 ground.

9 To the best of my knowledge there is no  
10 map that accompanies that as part of the page which  
11 makes up area of concern No. 13.

12 May I defer to my colleagues to see if I  
13 have it right?

14 MR. MUNRO: Mr. Innes is correct, in that  
15 it used to be that it was a number and then you went to  
16 a binder and looked it up. From an operating  
17 standpoint we find this very effective, to put it on a  
18 map and spell out what the prescription is.

19 One, it's easier for the field staff to  
20 implement that, they don't have to go to a second  
21 document; and, two, it really gives them appreciation  
22 for what the value is and what the concern is.

23 This way it's not just: Oh, we're going  
24 to go out and lay in this 30 metres; now we're going to  
25 lay in this 30 metres because we have a fisheries

1 concern but it puts them in tune more or less on what  
2 the value is and the degree of effort that is required  
3 in order to protect that value.

4 MADAM CHAIR: Do you think it would  
5 minimize the possibility that you would cut into no cut  
6 areas or into reserves accidentally?

7 MR. MUNRO: Yes, I think it would and  
8 ideally that is what it's designed to do, to ensure  
9 that the plan that's approved is the plan that's  
10 implemented. So it is valuable tool in areas of none  
11 cutting.

12 MR. INNES: If I may add to that, Madam  
13 Chair. I am convinced that there is a tremendous  
14 interest in the woodland staff that are on a ground  
15 level as harvesters, as truck drivers as whatever out  
16 there in terms of the resource that they actually work  
17 with, and we find this day in and day out, and I think  
18 one of the keys to successful timber management and  
19 indeed resource management is providing those people at  
20 a ground level with as much information and rationale  
21 as we possibly can in order for them to understand what  
22 they are doing and to assist in that; and, furthermore,  
23 to come up with better ways of doing it.

24 We found this works to a very great  
25 extent when you can do that, rather than just lay out a



1 30-metre strip here and that's it, it's quite good that  
2 way.

3 MR. SUOMU: If I might add, as you have  
4 referred to the operations on the Wabigoon Forest, over  
5 time we found that our camp staff is a member -- or is  
6 a part of that public and they have a great deal of  
7 problem dealing with stand listings and great sheets of  
8 paper, and basically evolving over time the map becomes  
9 their working document, see it's on record.

10 Monitoring also follows on the map.  
11 Having shown these prescriptions, if in fact ribboning  
12 is being done, it's being done on this map, in fact  
13 those operational or field foresters who are  
14 responsible for ensuring that that compliance does take  
15 place indicate - normally this is in our operation -  
16 on that working document map which areas they have  
17 marked and the date, and the camp staff at that time or  
18 the operation staff have a very clear knowledge of what  
19 they are going to encounter. So that it becomes the  
20 record-keeping tool at the operational level.

21 We go through hundreds of map copies  
22 annually because they basically wear them out, and we  
23 are constantly replacing them, plasticizing them, but  
24 that main map copy in the operational field office is  
25 their reference tool for the annual operation.

1 MR. LINDGREN: Q. Mr. Innes, perhaps if

2 I could ask you one last question on paragraph No. 8.

3 Is it the Industry's position that the current planning  
4 process is not workable and effective at the  
5 operational level?

6 MR. INNES: A. Madam Chair, we have  
7 stated in oral evidence that the Ministry process is  
8 workable at the operational level and, in our opinion,  
9 it is effective in terms of producing results at the  
10 operational level.

11 Q. Are you saying then that the planning  
12 process proposed by Industry does not provide more  
13 workability and effectiveness, as it were, over the  
14 current planning process?

15 A. We believe that it does that, that  
16 our proposal in front of this Board is an enhancement  
17 of the MNR process. But that does not invalidate the  
18 fact that the MNR process does work and is  
19 implementable and does produce results.

20 Q. In other words, the Industry has  
21 identified areas or issues or topics where improvements  
22 can and should be made?

23 A. That's correct.

24 Q. Can I ask you to turn to page 5 of  
25 the witness statement.

1 MR. COSMAN: Roman numeral v?

2 MR. LINDGREN: No regular number five.

3 Arabic No. 5 I guess it is

4 MR. COSMAN: Arabic.

5 MR. LINDGREN: Q. Now, at the top of the  
6 page, Mr. Innes, there's an indication that:

7 "The Industry is committed to the  
8 principle that planning is essential to  
9 the orderly management of forest-based  
10 resources but that planning followed by  
11 an audit of the results is not possible  
12 to clearly establish whether progress is  
13 being made in moving towards desired  
14 goals."

15 And I think that you earlier this morning  
16 indicated that it would be difficult to audit without  
17 clearly quantified goals and objectives; is that  
18 correct?

19 MR. INNES: A. That's correct.

20 Q. And this is true for both timber and  
21 non-timber values?

22 A. That is correct.

23 Q. And I take it then that --

24 A. Excuse me for a minute, please.

25 Q. Certainly.

1                   A. May I add to that that in this  
2 particular hearing, as I understand it, we're talking  
3 about timber and we're talking about the timber  
4 components of the other resources. So for those two  
5 things, this is what we are speaking about.

6                   Q. I take it that Industry would support  
7 terms and conditions that will require the Ministry to  
8 establish clearly expressed and quantifiable goals and  
9 objectives for timber and non-timber resources?

10                  A. Certainly for timber resources. It's  
11 my understanding that other resources are not within  
12 the purview of the Board.

13                  Q. How are we to assess the degree of  
14 integration between the timber and non-timber resource  
15 management if there are no quantifiable goals and  
16 objectives set for the non-timber resource?

17                  A. The planning process which the  
18 Industry has put together clearly identifies the need  
19 for quantifiable timber management objectives, targets,  
20 goals, policies, et cetera, and it also clearly  
21 identifies the need for the timber component of the  
22 other resources, and that is the extent to which our  
23 planning process that Industry has put together  
24 addresses the issue.

25                  If we may draw a line at that point, I



1 would say that it would be rational, in my mind, and  
2 necessary that there be clearly established objectives,  
3 et cetera, for the non-timber resources, but that was  
4 not within the scope of what we have put together here.

5 Q. Thank you. And then moving to the  
6 next paragraph on page 5, you indicate that:

7 "The Industry's main purpose for planning  
8 timber management activities is to ensure  
9 that there is an uninterrupted  
10 economically competitive wood  
11 supply available for the Industry on  
12 a sustained yield basis with proper  
13 regard for those other forest-based  
14 resources which influence or are impacted  
15 by the management of the timber  
16 resource."

17 In Industry's view is it the Ministry of  
18 Natural Resources that should be responsible for  
19 planning and presumably the auditing of the management  
20 for non-timber resources?

21 A. It is my understanding, Madam Chair,  
22 that the Ministry of Natural Resources is the Ministry  
23 legally responsible for the management of those  
24 resources, so I would have to answer yes to that  
25 question.

1 Q. In other words, the Ministry should  
2 undertake and pay for the management of non-timber  
3 resources?

4 A. Madam Chair, I am not prepared to  
5 address that in the fact that our evidence that we have  
6 laid before you is in the management of timber  
7 resources and the timber management component, and  
8 unless you direct me otherwise in your wisdom, I think  
9 we are beyond the point of talking about the other  
10 resources and what audit procedures should be required  
11 for those or who should pay for those.

12 MR. COSMAN: Yes, Madam Chair. I  
13 actually don't like to interrupt any of my friends when  
14 they cross-examine, but what the Ministry should be  
15 doing in respect of other resources, no matter how  
16 desirable is something, that in my respectful view is  
17 not something that you have to decide.

18 It may be, in my own view, a very good  
19 idea to do some of those things, but it's not one of  
20 the things that you have to decide here.

21 MR. LINDGREN: Madam Chair, perhaps I can  
22 explain the thrust of this line of questioning and,  
23 that is: Industry seems to be proposing a fundamental  
24 split in responsibility, the MNR will plan for the  
25 management of the non-timber resource, Industry will

1 plan for the management of the timber resource. Is  
2 that a fair statement of your planning system?

3 MR. COSMAN: No, it's not, but I will  
4 allow the witnesses to answer that question.

5 MR. INNES: No, it's not a correct  
6 characterization at all, Mr. Lindgren, of our planning  
7 system. What we have stated is that the planning  
8 system that we are putting forward will manage the  
9 timber resource.

10 There are -- in the management of  
11 forest-based resources there is a timber management  
12 component which is obviously important in the  
13 management of other resources, and the forest industry  
14 is suggesting that those goals, objectives, targets for  
15 the other resource programs be put together, in fact  
16 that they be summarized in the background information  
17 that goes with the plan, and in fact the public be  
18 invited to understand what the timber management  
19 component be of those, that the timber management  
20 component target of those resources be clearly  
21 identified in the plan, and that the plan author take  
22 responsibility for the establishment -- not  
23 establishment, excuse me, take responsibility for the  
24 accomplishment of those targets as they relate to the  
25 other resource programs.

1                   So in terms of management of the timber  
2     resource of the forest cover out there, we are  
3     suggesting that it be done under this timber management  
4     plan and that it be done in a fashion which is up front  
5     and that it be recognized by the public and by the plan  
6     author which components are which and which targets are  
7     identified and how they relate to the individual  
8     programs, be they timber management, be they of the  
9     timber management component of some other resource  
10    program.

11                   MR. COSMAN: Just to assist my friend, so  
12    there is no misunderstanding, it is our clear position  
13    that the Ministry of Natural Resources in law is  
14    responsible for the management of all of the resources,  
15    including the timber resource.

16                   The planning system that's put in place,  
17    Industry is proposing, results in a plan that in the  
18    end requires the approval of the Ministry of Natural  
19    Resources. So with respect to both other resources and  
20    the timber resource the Ministry remains, because it is  
21    legally the entity responsible to the people through  
22    the government for the management of this -- of all our  
23    resources in the province.

24                   MR. LINDGREN: Q. Mr. Innes, surely the  
25    plan author under your proposal is not planning for nor



1 managing the non-timber resources?

2 MR. INNES: A. The plan author under our  
3 proposal, Madam Chair, is managing only the timber  
4 component of the other resources.

5 Q. Thank you. And then just picking up  
6 on that answer, can I refer you to the subheading on  
7 page 5 entitled: Forest Management Agreements and  
8 there the first line indicates that:

9 "The Industry is committed to the  
10 effective and efficient management of the  
11 forest resources in the area of the  
12 undertaking which are entrusted to  
13 its management under the FMA program."

14 And by forest resources entrusted to its  
15 management, I take it that you're referring to the  
16 timber resource?

17 A. That I believe, Mr. Lindgren, Madam  
18 Chair, is a direct quote from the preamble to the FMA  
19 document and it was taken directly out of there. In  
20 this particular submission that we have made to this  
21 Board we're talking about the management of the timber  
22 resource and the timber management component of the  
23 non-timber resources.

24 Q. And when you say effective and  
25 efficient management, can I ask you, effective and

1 efficient for whom?

2 A. For the people of the Province of  
3 Ontario.

4 Q. Okay. Now, I note that that  
5 subheading is entitled: Forest Management Agreements.  
6 And given that forest management agreements deal, in  
7 some respect, with the forest, is there a reasonable  
8 expectation that the companies should be doing more  
9 than mere timber management under these arrangements?

10 A. Would you please repeat the question  
11 for me?

12 Q. Well, we see these things called  
13 forest management agreements. Would it be reasonable  
14 for the public to expect or even demand that companies  
15 operating under these arrangements do more than manage  
16 the timber resource?

17 A. Madam Chair, I don't speak on behalf  
18 of the public, I do speak as a member of a company  
19 which holds a forest management agreement, and under  
20 that agreement it speaks to the management of the  
21 timber resource because that is the way the agreement  
22 is put together, but I am not able to answer Mr.  
23 Lindgren's question about the reasonability of the  
24 public expecting further expectations.

25 Q. Going back to the answer that you

1 gave a few minutes ago, I think you indicated that the  
2 plan author will not be planning for the management of  
3 the non-timber resources on an FMA or on a given forest  
4 management unit, that responsibility will be undertaken  
5 by the Ministry of Natural Resources; correct?

6 A. Madam Chair, if you use the term  
7 planning in the broad sense for the overall planning  
8 for the entire resource, let's say wildlife, the answer  
9 is correct.

10 Q. And given that there is --

11 MADAM CHAIR: Excuse me, Mr. Lindgren. I  
12 would assume that some of the committees that would be  
13 under your plan that the plan author would be obliged  
14 to consult with, would also be making some comment  
15 about non-timber resources?

16 MR. INNES: Very, very much so, Madam  
17 Chair. If I may speak for example about moose, the  
18 habitat management component of that which is within  
19 the purview of timber management, in our estimation, is  
20 an extremely important component but it's only one.

21 There has to be very many more things  
22 that are involved with this, such as predator control,  
23 such as hunting pressure, such as access that I am not  
24 qualified to speak about, but we recognize those other  
25 components as being planned for by the Ministry of

1 Natural Resources and our input is in the timber  
2 management component side of it.

3 MR. MARTEL: I am having difficulty  
4 trying to understand how one so neatly separates one  
5 from the other. I mean, it just can't occur that way,  
6 somewhere in this process surely we're responsible --  
7 I'm not saying the industry per se, but there has got  
8 to be an integration of what everybody is doing to try  
9 to look after the other resources that are in the  
10 forest, and one can't draw a nice artificial line  
11 saying: Well, up to this point it's me, and beyond  
12 that point it's him or her. Surely it's much more  
13 complex than trying to draw an arbitrary line down the  
14 middle?

15 MR. INNES: That's very true, Mr. Martel.  
16 It's for this reason that we have suggested that there  
17 should be a senior level policy committee that tries to  
18 draw together at a senior level an understanding of all  
19 the uses of the forest that are out there and what the  
20 timber management component of those is, and the same  
21 reason we are talking about the need for a similar type  
22 of body at a regional level that has the Ministry of  
23 Natural Resources explain, for example, what is your  
24 moose management program and in fact how do you expect,  
25 Ministry of Natural Resources, that the management of



1 the timber resource will contribute to your overall  
2 goals and objectives of that moose management program?

3 So that's the place these come together.

4 So you are quite right, you can't just exercise one  
5 piece out of it, there has to be a forum where these  
6 are put together and we see at the senior level a need  
7 for this.

8 We also see a lack of this at the moment  
9 and we see a need for this at a regional level, and  
10 again a lack of this in the public forum, and then give  
11 much more specific direction as to how you manage the  
12 timber resource to accomplish the other objectives of  
13 the other resources program.

14 MR. LINDGREN: Q. And perhaps if I can  
15 just pick up on that comment. Our concern, Mr. Innes,  
16 is not so much where the line should be drawn but  
17 whether it should be drawn at all.

18 And my question to you is this: If  
19 planning responsibility for the timber and non-timber  
20 resources are split in a fashion that you appear to be  
21 advocating, how is it possible to retain any sense of  
22 coherent control over the management of forest-based  
23 resources in this province?

24 MR. COSMAN: Madam Chair, we are  
25 revisiting an issue which has been the subject of

1 argument and decision, we are going back to that old  
2 issue of forest management against timber management,  
3 and I quite agree that Mr. Lindgren should be allowed  
4 to ask questions of Mr. Innes as to how the timber  
5 component of other resources are managed, but to get  
6 into the issue of how all the resources should be  
7 managed in Ontario, that's an important issue but it is  
8 not the subject of this hearing.

9           There is parks management, there is  
10 wildlife management. As Mr. Innes has indicated with  
11 respect to moose management, one might be looking at  
12 the number of hunting licences issued which is relative  
13 to moose management, one might be looking at wolves and  
14 predators; one might be looking at a lot of  
15 different things.

16           And Mr. Martel is quite right that you  
17 can't in the real world draw artificial lines like  
18 lawyers sometimes do, but at the same time what we are  
19 talking about here is the timber manager being given a  
20 direction; in other words, in a wildlife program or a  
21 parks program, say wildlife, a decision has been made:  
22 We want so many moose, and that has to be translated --  
23 we need so much habitat, so you say to the timber  
24 manager: We need so much habitat. That is something  
25 that is a component of the moose -- of the non-timber

1 resource, moose management, if you want to call it  
2 that, so the timber manager knows he's got to find a  
3 certain kind of habitat in consultation with the  
4 biologists and other specialists.

5 But surely through Mr. Lindgren we are  
6 not going to explore that wonderful issue which would  
7 turn this hearing into truly a monumental hearing as to  
8 how all of the resources of this province are to be  
9 managed.

10 I think it's a proper area of exploration  
11 as to how --

12 MADAM CHAIR: I think you've already  
13 explored it, Mr. Cosman.

14 MR. COSMAN: All right, I'll stop there.

15 MR. MARTEL: Could I ask a question  
16 though, just for one moment and maybe Mr. Innes doesn't  
17 want to try to answer it and I'll understand why.

18 Is it your opinion, Mr. Innes, that maybe  
19 there is some responsibility for the MNR, beyond having  
20 things in strategic use plans, having a parks plan,  
21 that in fact the Ministry should be putting forward in  
22 a form that the public can understand what in fact it  
23 is they are trying to achieve beyond timber management  
24 which would involve all of the other components of what  
25 is out there and something that is comprehensible, I

1 mean, it would be lengthy and so on, but something that  
2 all groups could get a handle on as to how those things  
3 and the goals and targets for those other values in  
4 fact are integrated with what is being planned for in  
5 terms of timber management.

6 That gets us out of the realm of this  
7 hearing, even looking at it, but surely -- is that part  
8 of the thing that is bothering people, that there  
9 doesn't seem to be that master plan out there of what  
10 we're going to do in the forest?

11 MR. INNES: Mr. Martel, it's my  
12 understanding that Dr. Pearce who Ms. McLeod has  
13 recently appointed to undertake a study, is wrestling  
14 with that type of situation: How do we take a macro  
15 view of the production possibilities of forest-based  
16 resources and how do these things fit together in some  
17 way, and I presume that that will be the subject before  
18 this Board tomorrow afternoon I believe, Madam Chair.

19 But I think that is now being recognized  
20 as a concern and the Ministry is wrestling, as I  
21 understand it, with some way to approach this for a  
22 more integrated approach.

23 MR. MARTEL: Thank you.

24 MADAM CHAIR: Getting back to Mr.  
25 Lindgren's question, there was something I don't



1 understand about it and, that is, his question is  
2 implying that under your proposed plan -- Mr. Lindgren  
3 is implying that somehow Industry would be taking more  
4 responsibility for the management of the timber  
5 resource.

6 MR. LINDGREN: Planning.

7 MADAM CHAIR: I think that was your  
8 question.

9 MR. LINDGREN: Planning of the --

10 MADAM CHAIR: And leaving less  
11 responsibility to MNR, and I don't see that in your  
12 planning process.

13 MR. INNES: Madam Chair, that's certainly  
14 not the intent. We have a very clear view, Madam  
15 Chair, that the Ministry of Natural Resources has the  
16 legal responsibility for the management of all the  
17 forest-based resources be they fish, moose, osprey and  
18 timber, plus the host of others that we have not  
19 mentioned.

20 And all we are suggesting in our planning  
21 process - I should say all because it's a big all - is  
22 that there be very specific quantification of what's  
23 required in terms of manipulation of the forest cover  
24 to achieve the non-timber resource values, and we are  
25 suggesting that those requirements be quantified as

1 targets and that the plan author be responsible for the  
2 accomplishment of those targets so that MNR may get to  
3 whatever goal and objective it has in the management of  
4 those non-timber resources.

5 MR. LINDGREN: Q. But Industry under  
6 your proposal would not be responsible for the planning  
7 of those objectives or the planning of how those  
8 objectives will be in fact implemented? That's not a  
9 responsibility of the plan author?

10 MR. COSMAN: Which one, which objectives,  
11 the non-timber components?

12 MR. LINDGREN: The non-timber ones.

13 MR. COSMAN: The non-timber components of  
14 the resource, or wildlife generally? I mean, the  
15 question is difficult.

16 MR. LINDGREN: Q. Can you --

17 MR. INNES: A. Let me try and answer  
18 your question. Madam Chair, the responsibility for the  
19 overall management, direction and design of the  
20 management program and the setting of the goals and  
21 objectives and the targets for the non-timber programs  
22 rests with the Ministry of Natural Resources in terms  
23 of deciding upon the timber component of those in terms  
24 of workability at a ground level.

25 We are suggesting there be input from the

1 local citizens committee in the timber management  
2 planning process, that there be discussion between the  
3 plan author and the technical experts within MNR, and  
4 without MNR if they are required, and there be  
5 discussion with the district manager in terms of the  
6 appropriateness of that particular target, that timber  
7 component target that's assigned to the plan author,  
8 and also that there be an interface between the  
9 technical expert within MNR and the plan author in the  
10 implementation of that component at the ground level,  
11 for example, to make sure that it's laid out the right  
12 way which meets the requirements of that particular  
13 resource program.

14 So it's not totally divorced from the  
15 management of that resource, but the way we see it in  
16 the timber management plan the plan author is not  
17 responsible for the master plan of that resource,  
18 although he/she plays a role in the implementation and  
19 achievability and accountability for that target.

20 MADAM CHAIR: And what do you see as the  
21 responsibility of a plan author today under the timber  
22 management process?

23 MR. INNES: Madam Chair, I see it as  
24 close to the same thing apart from the fact that you  
25 may recall Dr. Baskerville used the phrase management

1 by constraint, and rather than, for example, trying to  
2 quantify precisely what the target is for, say, habitat  
3 for moose within a management unit, our understanding  
4 is that there are general type guidelines and that say:  
5 Put these reserves around all these things just to make  
6 sure that we have enough of these, though we're not  
7 sure exactly how much we need.

8 We are looking for a more quantified  
9 approach in which there are specific targets which  
10 relate to the management program for moose which are  
11 understandable to the public at the IRUC level in terms  
12 of: How does this relate to the overall moose  
13 management program and help accomplish the strategy  
14 which is laid out.

15 If I may add one thing to it. What we  
16 are saying is that Industry under the current planning  
17 process accepts the need now under the current planning  
18 process to take on whatever guidelines, constraints,  
19 targets are assigned to it of the timber management  
20 component of those other resources, but we would like  
21 to see it more quantified and understand better how it  
22 relates to the overall management of that resource.

23 MR. LINDGREN: Q. Well, Mr. Innes, the  
24 crux of our concern is this: Under your proposal the  
25 plan author would be responsible for timber management



1 planning; correct?

2 MR. INNES: A. Yes.

3 Q. Not forest management planning?

4 A. I do hate to repeat myself however  
5 many times it may be, Madam Chair. We are talking  
6 about two separate things here that go together in the  
7 timber management plan, it's the timber management  
8 planning and the timber management component of the  
9 other resources, because it is only through the  
10 management of the timber resource totally that we  
11 accomplish other resource goals and objectives as well  
12 as timber goals and objectives.

13 Q. You have just indicated that they are  
14 two separate things, timber management and forest  
15 management, and without getting into the legal niceties  
16 of the issue, where do you factually draw the line, and  
17 if the line is in fact drawn, how do we truly integrate  
18 forest management and timber management?

19 A. I was making a distinction, Madam  
20 Chair, to help my friend. Timber management in my mind  
21 is the management of the timber resource which is the  
22 manipulation of the forest cover on that forest estate.  
23 I hope that may assist you.

24 Q. And where does that stop and forest  
25 management begin; where do you draw the line between

1 timber management and forest management?

2 A. Timber management is concerned,  
3 primarily in the way this hearing is structured, with  
4 the production of timber; forest management, as I  
5 understand it from my professional training, involves  
6 the management of all resources in the forest and goes  
7 beyond timber production.

8 Q. So timber management would be a  
9 subset of forest management; is that your position?

10 A. I think that would be correct.

11 MADAM CHAIR: Mr. Lindgren, shall we take  
12 our morning break now?

13 MR. LINDGREN: Yes, I was unclear as to  
14 when we take it.

15 MADAM CHAIR: At twenty after ten when we  
16 break now.

17 MR. LINDGREN: Thank you.

18 MADAM CHAIR: We will be back in 20  
19 minutes.

20 ---Recess taken at 10:25 a.m.

21 ---On resuming at 10:50 a.m.

22 MADAM CHAIR: Please be seated.

23 MR. LINDGREN: Thank you, Madam Chair.

24 Q. And, Mr. Innes, continuing with you,  
25 I would like to address the issue of responsibility and

1 accountability.

2 And as one way to ensure responsibility  
3 and accountability, I take it that the Industry is  
4 relying upon the requirement that the timber plan must  
5 be prepared by an RPF; is that correct?

6 MR. INNES: A. I am not totally sure I  
7 understand your question, Mr. Lindgren, in terms of  
8 responsibility.

9 Q. Well, we heard some evidence, Mr.  
10 Innes, that the RPF must prepare the plan, he's the one  
11 that signs it, and I take it that Industry has taken  
12 some comfort in the requirement that he is (a) an RPF  
13 and (b) he has to sign it?

14 A. Madam Chair, I think that would be  
15 fair to say yes to that statement, but also it's a  
16 requirement under the Crown Timber Act, Section 26.

17 Q. Can you advise me as to whether or  
18 not the Ontario Professional Foresters Association has  
19 any disciplinary powers?

20 A. Madam Chair, I can answer in a  
21 general sense, and I suggest that my answer be  
22 augmented by the OPFA when they testify at this  
23 hearing, as I understand they will do.

24 My understanding from being a member of  
25 the OPFA is that there is a disciplinary committee and

1 that the OPFA takes internal action should it be  
2 required.

3 Q. That is your understanding?

4 A. Yes.

5 Q. And presumably that mechanism will  
6 guard against flagrant abuses or cases of neglect on  
7 the part of an RPF in terms of preparing a timber  
8 management plan?

9 A. If such a case was brought forward to  
10 the OPFA, it's my understanding they would have to  
11 investigate that on the basis of transgression of the  
12 code of ethics, of malpractice, based on scientific  
13 principles.

14 Q. And what sanctions are attached to  
15 that, to such finding?

16 A. I can't answer that, Madam Chair.

17 Q. And are you aware if that has ever  
18 been done in this province?

19 A. I'm aware of one case that has been  
20 investigated through the OPFA, the disciplinary --  
21 practice disciplinary ethics committee.

22 Q. Turning to page 8 of the witness  
23 statement, and again continuing with the accountability  
24 theme, in the middle of the page there's an indication  
25 that:



1 "The ultimate accountability for the  
2 management of Crown forest lands would  
3 remain with the Minister."

4 In other words, Mr. Innes, Industry wants  
5 to plan timber management but if anything goes wrong  
6 it's the Ministry that's accountable?

7 A. I think that would be a most  
8 inaccurate characterization, Mr. Lindgren. The  
9 ultimate authority in the legal sense rests with the  
10 Ministry of Natural Resources. There is authority  
11 distributed by the Ministry of Natural Resources to  
12 appropriate levels of the forest industry, for example,  
13 through the forest management agreements where they are  
14 held directly accountable for the accomplishment of  
15 what is in the timber management plans prepared for  
16 that forest management area.

17 Q. Well, how would a plan author be  
18 accountable if auditing or monitoring reveals that  
19 timber management is adversely affecting non-timber  
20 values or forest-based values other than timber?

21 A. The way the process now works, Madam  
22 Chair, is that - and I'm speaking of FMAs because FMAs  
23 is the only place that I have experience with audits -  
24 is that the holder of the FMA is audited at a regular  
25 five-year interval and the timber management component

1 of the plan is audited -- for the non-timber values is  
2 audited at that time as well.

3 And if in fact the requirements of the  
4 plan are not met, either the forest management  
5 agreement holder must rectify the deficiency or there  
6 are steps within the forest management agreement that  
7 can be taken to either cancel the agreement or to cause  
8 the things not done to be done to the satisfaction of  
9 the Minister at the company's cost.

10 Q. Well how, for example, would a plan  
11 author be made accountable or responsible for a harvest  
12 prescription that was found to have harmed a non-timber  
13 value or a non-timber resource?

14 A. Again, going back to the forest  
15 management agreement, the forest management  
16 agreement -- the company that holds that, that's the  
17 legal entity between the Crown, that's a legal  
18 agreement between the Crown and the company, and an  
19 employee of that company, be it the plan author, would  
20 be directly responsible to that company.

21 And if I can take it in our company as to  
22 a specific example, any deliberate transgressions of  
23 the plan in their job would be questionable, as to when  
24 you have that, and there are penalties involved through  
25 the company structure in terms of demerit, in terms of

1 lack of incentive increase, in terms of termination of  
2 employment should you behave in a manner not consistent  
3 with professional practice and with the intent of the  
4 company to live up to that agreement.

5 Q. Now, you referred to a transgression.  
6 Are you referring to prescriptions that are made but  
7 not followed, or are you referring to prescriptions  
8 that are made followed and the harm still results?

9 A. I was referring specifically, sir,  
10 your question in which you said something was done  
11 which would harm another resource.

12 Q. Well, I'm still not clear on your  
13 answer. If a harvest prescription is made, it's  
14 followed in the field and adverse harm still results to  
15 the value that was intended to be protected, how if at  
16 all is the plan author accountable or responsible for  
17 that?

18 A. In my opinion, Madam Chair, if the  
19 plan author followed the rules, regulations,  
20 guidelines, planning procedure, et cetera that are put  
21 together within the letter of the law, the plan author  
22 in that case would not be responsible, and that is my  
23 personal opinion not that of Industry.

24 Q. So if he selected or she selected a  
25 prescription that was within the range of options

1 residing within the guideline, that person would not be  
2 responsible or accountable for the harm that resulted?

3 A. If you're terming, Mr. Lindgren,  
4 responsibility in terms of legal responsibility, I  
5 would have to say yes.

6 Q. Can I ask you to turn back to page 6  
7 of the witness statement, and at the bottom of the page  
8 there is an extract from the Class EA for Timber  
9 Management, and the quote essentially indicates that  
10 the timber management plan will provide long-term  
11 direction for the timber resource of the management  
12 unit.

13 Mr. Innes, where in Industry's view  
14 should the long-term planning for the other non-timber  
15 resources in the unit occur and who should be doing it?

16 A. Madam Chair, in some ways this  
17 relates back to Mr. Martel's question we had about  
18 where does this all come together.

19 The Ministry of Natural Resources has, as  
20 I understand it, an interlocking planning system of  
21 which the Board heard considerable evidence, in that  
22 there are strategic land use plans for the  
23 northeastern, northwestern and southern part of the  
24 province; there are district land use guidelines put  
25 together underneath that hierarchy and, as I understand



1 it, there are the resource management plans for  
2 individual resources, such as the SPOF program -  
3 Strategic Plan of Ontario fisheries I believe it's  
4 called - that puts a resource management plan together  
5 for the fisheries component of the overall resource  
6 management.

7 And it comes together at that level  
8 within their individual resource management planning  
9 programs, within their overall planning hierarchy, and  
10 within their translation of those things from a  
11 conceptual to an implementable level through the  
12 district manager's guidelines.

13 So it's my understanding that the other  
14 programs are accounted for and handled through the  
15 MNR's planning process.

16 Q. Well, you've talked about the  
17 concept, let's talk about implementation of that  
18 concept. You referred, for example, to district land  
19 use guidelines. It's my understanding that there are  
20 some areas, some districts that do not have approved  
21 DLUGS. Is that your understanding as well?

22 A. I am not able to answer your  
23 question, I don't know.

24 Q. Are you familiar with the West  
25 Patricia area?

1 A. No, I am not.

2 Q. Assuming for example that there are  
3 areas where there are no approved DLUGS, precisely how  
4 do you propose that the non-timber planning -- how do  
5 you propose that the non-planning mesh with the timber  
6 planning at the provincial and the regional and the  
7 local level?

8 A. I'm not making any proposal in that  
9 regard, Madam Chair, I'm dealing with the timber  
10 management components of those programs and the  
11 responsibility for the overall plan, design and  
12 strategy for the other resource management programs  
13 rests with the Ministry of Natural Resources.

14 I'm managing the timber resource and the  
15 timber cover as it affects what goes on in the way we  
16 put our program together.

17 Q. Now, aside from the issue of DLUGS,  
18 we have also heard in this hearing that the wildlife  
19 management and timber management do not necessarily  
20 occur on the same land base, in the sense that wildlife  
21 management units do not correspond with forest  
22 management units, and if that's the case, wouldn't you  
23 agree that that can cause problems in terms of the  
24 integration of the timber and non-timber planning  
25 processes?

1                   A. It would depend how that is handled  
2 as to whether or not there is a problem. If, Madam  
3 Chair, one was to plan in the micro-chasm of one  
4 individual management unit for a resource that crossed  
5 the boundaries of perhaps four or five management  
6 units, certainly that could be a problem.

7                   My understanding is that the Ministry of  
8 Natural Resources puts together their resource  
9 management programs for resources such as moose that  
10 cover a number of management units into an area which  
11 encompasses the natural range of that herd and, as a  
12 result, is able to manage that resource on a larger  
13 land base.

14                  We recognize that necessity for  
15 integration in two ways in the proposal we have put  
16 before this Board, and one way is that we suggest that  
17 the regions in which the IRUC put together, try to the  
18 greatest extent possible, a structure such that they  
19 incorporate not only timber management units, forest  
20 management units, but also the other resource units  
21 that are involved in that area.

22                  So that we can, for example, put all the  
23 wildlife management units within one of these regions,  
24 so much the better, it lends to integration.

25                  And, secondly, we're suggesting through

1 the mechanism of the IRUC that this be addressed on a  
2 larger area than individual management units, so in  
3 fact there is integration.

4 Q. Thank you. Are you also recommending  
5 that forest management unit boundaries be readjusted to  
6 respect or affect natural boundaries or ecosystem  
7 boundaries?

8 A. We have not made that recommendation.

9 Q. Will you support such a  
10 recommendation?

11 A. Madam Chair, I have not thought about  
12 that particular matter and I suggest, with respect,  
13 it's a very, very complicated question and it wouldn't  
14 be something I would answer general.

15 Q. Very well. Can I ask you to turn to  
16 page 7 of your witness statement under the heading  
17 Integrated Resource Management Planning System, and  
18 there's an indication that the intent of the planning  
19 system as it relates to timber management planning is  
20 to have a system that will meet the various  
21 requirements that you set out on that page and  
22 continuing on to page 8.

23 Now, you're calling this integrated  
24 resource management planning, but isn't it true that  
25 the industrial plan author is only planning for the

1 timber resource?

2 A. No, that is not true. First of all,  
3 this planning system which we are laying before this  
4 Board is meant to be applicable to all management units  
5 be they FMA, be they company, be they Crown; so the  
6 plan author be it who it may, could be a Ministry of  
7 Natural Resources employee, it could be a forest  
8 industry employee, it could be an employee of a local  
9 community forest for that matter of fact, as I  
10 understand we have some of those.

11 So we are suggesting that we manage for  
12 the timber as well as the timber management component  
13 of the other resources, so it's not exclusively timber.

14 Q. I thought we had established this  
15 morning, Mr. Innes, that the plan author under your  
16 timber management planning process will not be planning  
17 for the non-timber forest resources?

18 A. I believe that we established, Mr.  
19 Lindgren, that the plan author, be it from whatever  
20 source of employment they may be coming from, does not  
21 plan for the other resources since they have to be  
22 planned for in a much larger scale under the authority  
23 of the Ministry of Natural Resources, but what they do  
24 do is to take the timber management component of those  
25 other resources and plan for that in conjunction with



1 -the technical specialists of the Ministry.

2 Q. In other words, the two planning  
3 processes that we're speaking of, timber and  
4 non-timber, are separate and distinct; there may be  
5 integration, but they're separate and distinct and  
6 they're carried out by different bodies?

7 A. That's not entirely correct, sir,  
8 inasmuch as -- may I draw your attention back to the  
9 way the plans are put together. The plan is put  
10 together essentially with three major inputs, those  
11 three major inputs are the Ministry of Natural  
12 Resources, the plan author from whatever vocation that  
13 person might come, and the public input and those come  
14 together at the district level where there has to be  
15 integration of all resource-based policies within that  
16 plan and, in fact, the district manager signs off that  
17 this plan has accomplished integration in a fashion  
18 which is acceptable to the Crown who is responsible for  
19 the management of all the forest-based resources.

20 Q. I hate to repeat the question, but  
21 isn't it true - and I'm doing this for my own  
22 clarification - under your proposal, planning for the  
23 non-timber forest resources will occur through the  
24 Ministry of Natural Resources; they plan at the macro  
25 level and translate it downwards presumably?

1 MR. COSMAN: Madam Chair, it is improper  
2 to ask the same question over and over again. That  
3 question was asked a number of times and there was an  
4 answer.

5 MR. LINDGREN: Well, Madam Chair, with  
6 respect, the witness has just indicated that my  
7 question or my suggestion was not correct when I  
8 suggested that the planning processes are separate and  
9 distinct, and I'm trying to confirm that they are in  
10 fact separate and distinct.

11 Q. The plan author, under your planning  
12 system, deals with the timber resource and the Ministry  
13 plans for the non-timber resource; isn't that the  
14 essential split in responsibility here?

15 MR. INNES: A. At a macro-planning level  
16 and a conceptual level, that is an accurate split.

17 Q. Okay, thank you. And the non-timber  
18 values that are planned for by the Ministry of Natural  
19 Resources presumably will be protected through the  
20 application of guidelines and manuals by the plan  
21 author?

22 A. That's correct.

23 Q. And earlier this morning you used the  
24 word constraint. Isn't that what Dean Baskerville in  
25 fact called constraint management?

1                   A. I don't understand what you mean by  
2     the word that. Could you repeat that question?

3                   Q. The question is: You're attempting  
4     to protect non-timber values through the applications  
5     of guidelines which have been described in this hearing  
6     earlier as constraints, and in fact Dean Baskerville  
7     has described that approach as the constraint approach,  
8     you plan for timber and you add on protection for  
9     non-timber values. So essentially what you're  
10    advocating is constraint management or the continuation  
11    of constraint management?

12                  A. No, that is not correct. Madam  
13    Chair, we have suggested that the guidelines need to be  
14    examined by a provincial technical committee so that  
15    they contain a range every of practices.

16                  We have suggested very clearly I think  
17    that the timber management component of the non-timber  
18    resources be placed within the context of the overall  
19    management program for those resources and that it be  
20    clearly understood how they fit into those, and we are  
21    far from advocating management by constraint.

22                  Q. Well, Mr. Innes, your timber  
23    management planning process is not an integrated forest  
24    management approach, it's not multi-resource  
25    management, it's simply planning for the timber

1 resource; is that correct?

2 A. We are planning for the timber  
3 resource for timber management and we are planning for  
4 the timber management component of the other resources  
5 that are forest-based.

6 Q. And because you are planning for the  
7 timber resource and the timber component, isn't it a  
8 bit misleading to call it integrated resource  
9 management planning?

10 A. No, I don't believe so.

11 Q. Can I ask you to -- do you have a  
12 copy of Dean Baskerville's report?

13 A. Yes, I do.

14 Q. Can I ask you first to turn to page  
15 11 of that report there, Exhibit 16.

16 MADAM CHAIR: Is this the audit, Mr.  
17 Lindgren?

18 MR. LINDGREN: Yes.

19 MR. COSMAN: What page?

20 MR. LINDGREN: Page 11.

21 Q. And this is under the heading  
22 Integration, and Dean Baskerville writes:

23 "In the format prescribed in the new  
24 manual, timber management planning has  
25 been separated from forest management



1 planning. This was done to facilitate  
2 implementation of environmental  
3 assessment procedures but the change is  
4 not semantic and may have weakened  
5 the management approach."

6 And as I understand it, that separation  
7 is inherent in your planning process, and if that is  
8 the case, do you agree with Dean Baskerville's  
9 assessment that that will weaken the management  
10 approach?

11 MR. INNES: A. Madam Chair, may I ask  
12 Mr. Lindgren, you are referring specifically, sir, to  
13 the Ministry of Natural Resources planning system, as I  
14 understand, from the terms and conditions of June, '89.

15 Q. Well, in fact I'm referring to your  
16 planning system wherein planning for the timber  
17 resource occurs or is carried out by the plan author  
18 and broader forest management planning is carried out  
19 presumably by the Ministry of Natural Resources, there  
20 is that split, the split that Dean Baskerville has  
21 expressed some concern about, and I'm asking you: Do  
22 you agree with his expression of concern that we find  
23 here on page 11?

24 A. Madam Chair, first of all, Dean  
25 Baskerville is referring to the Ministry of Natural



1 Resources planning system and he's not referring to the  
2 one that is put before this Board from the forest  
3 Industry, since he has no knowledge of that, to my  
4 understanding.

5 We have recognized the concern that Dean  
6 Baskerville has put together here which is why we have  
7 structured the tri-level committee structure in such a  
8 way that there is an understanding of the other  
9 resource programs, an understanding of the role of the  
10 timber management component of those resource programs,  
11 and a mechanism to feed that up and down the system  
12 from top down and bottom up in such a way that it does,  
13 in our mind, become an integrated approach rather than  
14 a separate approach.

15 So in that respect, Mr. Lindgren, I don't  
16 agree with your suggestion.

17 Q. So you're not agreeing that your  
18 planning system -- are you saying that your planning  
19 system does not separate timber management from forest  
20 management in terms of plan authorship?

21 A. Your question revolves around the  
22 words 'in terms of plan authorship', and I don't think  
23 that's a valid way to couch that question, sir.

24 In my consideration what we have to  
25 consider is whether or not the plan, which is an

1 implementation vehicle, adequately considers how that  
2 management requirement will be accomplished and in fact  
3 ensure that it is accomplished, will provide a  
4 mechanism to show that it has been accomplished or not,  
5 and will thereby allow the accomplishment of goals and  
6 objectives for the other resource programs.

7 So in that respect I will say that, yes,  
8 we do have an integrated system that reflects  
9 adequately what should be done.

10 Q. Do you agree with Dean Baskerville  
11 that the separation of timber management planning from  
12 forest management planning will weaken the management  
13 approach?

14 A. As a generality the answer is yes.

15 Q. Thank you. And I ask you to turn to  
16 page 24 of the same document.

17 A. I'm sorry, which page?

18 Q. Page 84.

19 A. 84.

20 Q. And in the second full paragraph Dean  
21 Baskerville writes:

22 "The absence of a technically sound  
23 approach to integration of timber with  
24 non-timber values is a more serious  
25 problem that will require considerable

1 change in the system if the desired level  
2 of integration is to be achieved. The  
3 approach used to integration of timber  
4 with non-timber values is based on  
5 local judgment with no objectively  
6 measurable standards. The integration  
7 being achieved may be good and it may not  
8 be, but currently that is up to anyone to  
9 decide for themselves, there is no  
10 agreed upon way to assess the success of  
11 integration."

12 And with some detail, Mr. Innes, can you  
13 precisely explain to me how your proposed planning  
14 system overcomes or addresses these concerns of Dean  
15 Baskerville about integration?

16 A. Yes, I think I can, Mr. Lindgren.  
17 Madam Chair, I think my learned friend should have read  
18 the rest of the paragraph there because it's very valid  
19 in terms of what's required and the rest of the  
20 paragraph in fact speaks to:

21 "...being able to justify actions or  
22 inactions, rather than determining what  
23 values the public expects from the  
24 resource, so that management is designed  
25 to achieve those values to the extent

1 possible."

2 And what we're talking about and what  
3 Dean Baskerville is talking about in this particular  
4 theme is the value of management planning. And the  
5 value of management planning in the eyes of Industry is  
6 to accomplish societal goals, and societal goals have  
7 to be very clearly identified and action planning has  
8 to be put together in order to reach those goals  
9 through a series of objectives being struck and a  
10 series of strategies undertaken to achieve targets that  
11 will reach the goals.

12 As a result, what we specifically have  
13 identified is putting together the interlocking  
14 committee structure which does two things: It clearly  
15 makes societal input into the goals at the upper most  
16 level of the Ministry, it provides at the lowest level  
17 for the identification of goals and objectives at that  
18 level, it examines the production possibilities at the  
19 bottom level, then it provides a review process in the  
20 middle for the integrated resource user committee to  
21 see whether or not the societal goals from the top are  
22 being achieved and whether or not there are problems  
23 that extend to the bottom level and, if so, how do we  
24 go about solving those.

25 So I think, and I'm sure my committee

1 here -- Mr. Munro's committee here would agree with me  
2 - that Industry is very specifically considered with this  
3 middle paragraph on page 84 and it has designed a  
4 planning process which allows us to do exactly, we  
5 hope, what Dr. Baskerville is addressing in this  
6 paragraph.

7 Q. Well, Dean Baskerville, has indicated  
8 that the Ministry's approach, or the approach at least  
9 in use at the time he did his audit, integrated timber  
10 with non-timber values largely on the basis of local  
11 judgment with no objectively measurable standard.

12 How do you address that concern? Where  
13 are your objectively measurable standards, where are  
14 they developed and who develops them?

15 A. Not only have you asked a two-part  
16 question, you've asked it at two different levels, I  
17 think.

18 The standards in terms -- objectives and  
19 standards I believe you said. The objectives are put  
20 together for timber as for the other resource programs  
21 by the Ministry of Natural Resources and, indeed, it is  
22 these things, these objectives that are being tested  
23 through the provincial committee and through the  
24 integrated resource user committee to make sure that  
25 they are appropriate at that level of management.



1                   And my understanding is these objectives  
2           are now spelled out in the strategic land use plans and  
3           the various policies the Ministry has and things of  
4           that nature.

5                   So in that respect the Ministry who is  
6           responsible for this has indeed made a start at  
7           quantifying where they want to be, be it 5-million  
8           cunits of timber as it was in the forest production  
9           policy or whatever the right number was there, and  
10          whatever number of moose they have for the province,  
11          for example, which are outlined in the moose management  
12          guidelines and then broken down to a regional level.

13                   Where the forest industry in the timber  
14          management planning process sees as the next hierarchy  
15          underneath this is the quantification of the very  
16          specific quantification of targets at the ground level  
17          in terms of number of areas, for example, of moose over  
18          wintering that must be accomplished in a given  
19          management unit, the number of trees that must be  
20          planted on a given management unit, the number of areas  
21          that must be -- of hectares that must be site prepared,  
22          et cetera, and we see the quantification coming in at  
23          that level and we see the audit process being such  
24          feeding back to the integrated resource user committee  
25          that there's going to be able to be made a public

1 determination of whether or not the targets are being  
2 met.

3 Secondly, at the next level of hierarchy,  
4 how these targets relate to the accomplishment of the  
5 goals and objectives.

6 Q. Well, we will address the committees  
7 in a moment, Mr. Innes. Can I ask you to turn to page  
8 8. At the top of the page you see subparagraph 4, that  
9 your system will provide for a meaningful opportunity  
10 for public input to the benefit of both society and the  
11 timber manager. And what did you have in mind when you  
12 said meaningful public input, how do you measure or  
13 define that term?

14 A. Madam Chair, I would define  
15 meaningful opportunity to be one where there is easy  
16 access by the public to make input, where there is  
17 information which is readily available and  
18 understandable by the public for their consideration in  
19 terms of the type of input and the type of decisions  
20 that are being asked for and a chance for them to  
21 understand how their concerns, how their input was  
22 handled and a chance for them to go back and question  
23 whether or not it was handled in a fashion which  
24 satisfies their needs and have some ultimate court of  
25 appeal should they think that it not be.

1                   MADAM CHAIR: Mr. Innes, I think we

2       talked about this very briefly when you presented into  
3       the overview information, but in our public meetings  
4       we've had sort of two sorts of contradictory statements  
5       made by various members of the public, and the first  
6       has been to the effect that indeed they don't want to  
7       deal with MNR, they want to deal with the Industry,  
8       they want to speak directly to the people who are  
9       harvesting and in the field and are right there.

10                  We have also had statements from the  
11       public that no, they don't want to go to an open house  
12       and talk to Industry, they want to deal with the MNR  
13       because those are the people who will make the  
14       decisions and will make changes if they have to be  
15       made.

16                  I guess from your proposal that what you  
17       have heard from the public is that indeed they want to  
18       talk to you directly when it comes to open houses and  
19       when it comes to particular situations.

20                  MR. INNES: I think, Madam Chair, from my  
21       experience we have found that there's a desire for  
22       direct contact, yes, but we've also found that there is  
23       a desire for some easily accessible open house type of  
24       situation.

25                  So we think there has to be both there in

1 -terms of our two information centres that we are  
2 proposing in our system, plus the direct contact that  
3 we think the plan author, be it Industry or Ministry,  
4 must make with people to give them the opportunity to  
5 say: Yes, I want to participate or, no, I don't want  
6 to participate.

7 So it's really the culmination of those  
8 two things.

9 MADAM CHAIR: Is it in your proposal or  
10 in your mind that at an information session for an FMA  
11 where the plan author would be a member of Industry  
12 that you would want the district manager to be there--

13 MR. INNES: Yes, certainly.

14 MADAM CHAIR: --from MNR?

15 MR. INNES: I would think that would have  
16 to be the way it would unfold, as the district manager  
17 has the responsibility, that my learned friend keeps  
18 talking about, for the integration of all the uses in  
19 all that forest area then that is the person to speak  
20 to that; and, secondly, they hold the responsibility  
21 for the management of the public resource, be it timber  
22 or whatever else. So, yes, by all means.

23 This is not an isolation situation where  
24 we see Industry operating in isolation from MNR; there  
25 is a very close working relationship required and it's

1 recognized that it's required.

2 MR. LINDGREN: Q. Can I ask you to turn  
3 to paragraph vii on page 8, Roman numeral vii. You  
4 indicate that:

5 "The system will provide a range of  
6 Acceptable practices where professional  
7 judgments can be exercised."

8 And I'm wondering, how do you define  
9 acceptability and who will be defining it under your  
10 planning process?

11 MR. INNES: A. Acceptability, Madam  
12 Chair, is as defined in the guidelines and the  
13 guidelines, as the forest Industry in this presentation  
14 has defined them, and as a result the authority for the  
15 approval of the guidelines rests with the Ministry of  
16 Natural Resources.

17 So it is acceptable practices as is  
18 defined by the Ministry of Natural Resources, keeping  
19 in mind the three components that I have mentioned  
20 before: One, is based on scientific knowledge; the  
21 second one, is based on acceptable level of  
22 environmental impacts; and the third one, was based  
23 upon being societally acceptable.

24 Q. Are you suggesting that all of the  
25 guidelines, guides and manuals be subjected to that



1 three-point test?

2 A. I would think that would be  
3 appropriate.

4 Q. Can I ask you to turn to page 9 and  
5 ask you about your proposed committee structure. At  
6 the bottom of page 9 there is an indication that:

7 "...the membership be capable, committed  
8 and informed."

9 And I'm wondering how one assures that  
10 the membership is capable, committed and informed?

11 MR. INNES: A. I would presume that  
12 would be a judgment call on behalf of the Ministry of  
13 Natural Resources at a senior level who, in effect,  
14 makes an appointment to those committees and would also  
15 be reflected, I believe, in the way Mr. Martel and I  
16 discussed, in the way that the invitation would be made  
17 to these organizations to supply people to them, and I  
18 would think it would be within the organization's best  
19 interest to ensure that they supply people who are  
20 capable, committed and informed.

21 Q. That is in fact my next question, and  
22 if I understand your evidence correctly, the MNR will  
23 appoint a particular organization or a group but it's  
24 up to the group to actually select their representative  
25 that will serve on the committee?

1 A. That is our suggestion.

2 Q. And that is true of all the  
3 committees?

4 A. Yes.

5 Q. Okay. And before I deal specifically  
6 with each committee, can you advise me as to whether or  
7 not the information obtained by or through these  
8 committees will be readily available to the public or  
9 will some of it be withheld for reasons of  
10 confidentiality or privileged?

11 A. It is our intent that the information  
12 be readily available.

13 Q. To the public?

14 A. Yes.

15 Q. And then turning first to the senior  
16 level policy committee which you describe on page 10,  
17 in the third bullet point under Section 2.2.1.1 you  
18 indicate that the committee will review the  
19 appropriateness of these policies.

20 And again, I would like some  
21 clarification as to what you mean by appropriate,  
22 appropriate for whom or for what?

23 A. The intents of the senior policy  
24 level committee, Madam Chair, is to provide social  
25 relevance to the policies of the Ministry of Natural

1 Resources for those policies that are forest-based and,  
2 as a result, I would anticipate that this committee  
3 would look at the policies in terms of appropriateness  
4 in light of the interests of the organization they  
5 represent and also in terms of society generally.

6 For example, it is in the recent past  
7 that we've had a rise in societal interest in old  
8 growth timber, and I would suggest that this committee  
9 with representation perhaps from the Forests for  
10 Tomorrow group might strongly influence the Ministry of  
11 Natural Resources. There should be a greater  
12 recognition taken of that policy than what is now  
13 there.

14 It is that type of thing I'm talking  
15 about in terms of relevance. Societal values change,  
16 information changes, resources change, and this  
17 committee is meant to reflect those changes in a way  
18 that is meaningful and of assistance to the Ministry of  
19 Natural Resources.

20 Q. I presume that the committee will be  
21 making a recommendation to the Minister on the  
22 appropriateness of a particular policy, the committee  
23 will not be making its own decision?

24 A. That's correct, it would be a  
25 recommendation. These are advisory committees.

1 Q. That's right. And how would this

2 committee make its recommendation, is this by consensus  
3 or by majority, how will it actually function?

4 A. Madam Chair, we think it appropriate  
5 to lay down a set of Robert rules of order for this  
6 particular thing in terms of how exactly it would  
7 function, and I would suggest that it would be in the  
8 interest of the Minister and definitely the Ministry of  
9 Natural Resources at this level to determine in a  
10 fashion with the committee itself as to the best method  
11 it can go about to advise the Minister and Ministry  
12 and, as a result, I'm not prepared to supply an answer  
13 to my friend's question.

14 Q. Very well. Turning briefly to the  
15 technical committee, the provincial technical  
16 committee. And I'm somewhat puzzled yesterday by your  
17 evidence which suggested that the membership on this  
18 committee should be restricted to professionals.

19 And I'm asking you: Isn't it possible  
20 that lay representatives from public interest groups  
21 may in fact be appropriate members for this technical  
22 committee as well as the senior policy committee; isn't  
23 it possible that they would have the experience or the  
24 background to provide meaningful input to the technical  
25 committee as well?

1                   A. Certainly that is possible, Madam  
2           Chair. I would consider that to be within the realm of  
3           possibility, but I would also consider it to be  
4           probably at the fringe of probability.

5                   In this particular case what we are  
6           looking for here - and we endeavor to make this very  
7           clear - that this is a scientific committee which  
8           reviews the scientific content of the guidelines and  
9           pulls together the acceptable practices in terms of the  
10          management of that aspect of the resource.

11                  This is meant to reflect the leading edge  
12          of knowledge and of science, and we think the best and  
13          most likely place to find this is within the  
14          established professions.

15                  Now, should there be an eminent expert in  
16          a given area - take ornithology, if you want to take  
17          that as an example - who is not recognized as a  
18          qualified member of a profession, I think that person's  
19          recognized ability, be it from whatever source, would  
20          be open to discussion with the appointed body and  
21          consideration given for that person to be on that  
22          committee, provided they could contribute in terms of  
23          scientific knowledge and practice and implementation.

24                  Q. That's the test?

25                  A. Those three things.



1 Q. Now, presumably this committee would  
2 be looking at the scientific basis for the cultural and  
3 heritage guidelines, and I'm wondering how you foresee  
4 native interests being represented on such a committee  
5 at that level?

6 A. I have no experience, Madam Chair, in  
7 the social fields or the socio-economic fields or the  
8 fields of history that may be involved with this and  
9 I'm not qualified to comment in terms of what type of  
10 person would be on that particular committee.

11 In response particularly to the question  
12 of native people, surely there are recognized  
13 authorities from the native communities who I  
14 understand could contribute to this type of thing, and  
15 I don't know how exactly you would go about determining  
16 what the correct level of expertise would be there.

17 Q. Even though they're not  
18 professionals, they may in fact be eligible for  
19 participation in this process?

20 A. Yes. The reason I'm having trouble  
21 with your question, Mr. Lindgren, is 'professional', is  
22 there such a thing as a professional historian, for  
23 example, who then deals in archaeological sites, and I  
24 don't know personally whether that's the case and I'm  
25 having trouble determining exactly what the

1 professional definition required there.

2 The intent is that there be the level of  
3 expertise as required by whatever qualifications are  
4 necessary to give credibility and substance to that  
5 committee.

6 Q. As I understand the primary role of  
7 this committee, the committee will be making  
8 recommendations relating to the updating and provision  
9 of the various guides, guidelines and manuals; is that  
10 correct?

11 A. That is correct.

12 Q. And would Industry consider having  
13 those recommendations subjected to external review?

14 A. Our experience has been that the  
15 Ministry of Natural Resources wants and desires to have  
16 virtually all its information subject to external  
17 review, and we are in favour of that process and we  
18 would say yes.

19 Q. And will this committee have the  
20 authority or the ability to exercise its own  
21 initiatives and identify new guidelines, new guides,  
22 new manuals that may be necessary in this province?

23 A. I would consider that to be within  
24 its purview.

25 Q. So it's not limited to revising

1 existing guidelines?

2 A. No.

3 Q. And so --

4 MADAM CHAIR: Sorry, Mr. Lindgren. Mr.  
5 Innes, have you looked at the committee system that MNR  
6 has proposed and is putting into place with respect to  
7 establishing various research objectives for the study  
8 of the effectiveness of guidelines?

9 The Board has before it the evidence of  
10 various committee systems where they bring people in  
11 from the groups you have identified with respect to  
12 setting research priorities and looking at the various  
13 ways that they can study the effectiveness and effects  
14 monitoring of guidelines.

15 This is a committee process you're  
16 suggesting that's quite separate from that?

17 MR. INNES: That's correct, Madam Chair.  
18 I'm only familiar in a general sense with the one you  
19 are now speaking of. What we are recommending is  
20 something which is separate and distinct from that.

21 MR. COSMAN: Madam Chair, just with  
22 respect to your question, on page 13 you will see that  
23 the committee is responsible for establishment of an  
24 interdisciplinary team that is required, among other  
25 things, to review results of the effects monitoring

1 program... So there may be integration of the two in  
2 that sense.

3 MR. LINDGREN: Q. Is this review to  
4 occur on a regular basis?

5 MR. INNES: A. It's to occur both on a  
6 regular basis and in light of any new knowledge coming  
7 forth or any problems coming forth from the ground  
8 level which requires attention.

9 Q. And by regular basis, you mean annual  
10 meetings. By annual meetings; how regular, how  
11 frequently would this committee meet to look at the  
12 guides and guidelines?

13 A. We are suggesting, Madam Chair, that  
14 the committee be a standing committee and that it hold  
15 a number of meetings per year and we have not set any  
16 set date of that, but it be a standing committee.

17 Q. And then just briefly returning to  
18 the issue of initiating new guidelines, Forests for  
19 Tomorrow has proposed guidelines, for example, relating  
20 to prevention of forest fragmentation, guidelines  
21 relating to the protection of old growth and  
22 biodiversity, we've also proposed new resource manuals  
23 for owls and botanicals and herpatiles.

24 Are those the kinds of manuals and  
25 guidelines that this committee could propose to the



1 Ministry?

2 A. Those would be appropriate subject  
3 areas for discussion.

4 Q. Thank you. Then on page 13,  
5 referring to the integrated resource user committee.  
6 Now, when you were discussing this committee yesterday  
7 you indicated that there was a great deal of debate  
8 about this particular proposal and you indicated that  
9 it was ultimately proposed because of the difficulty in  
10 translating broad MNR policies into the regional  
11 context. Do you recall that testimony?

12 A. Yes, I do.

13 Q. And can you provide us with any  
14 actual examples of this difficulty?

15 A. Madam Chair, I can provide you, I .  
16 think, with at least one, but before I do that, I would  
17 think it appropriate that I also refer you to Dr.  
18 Baskerville's testimony - and should you wish the page  
19 I will search for it - where he speaks directly to the  
20 difficulty of taking very broad type policies and  
21 applying them on a generalized basis across an area as  
22 large as Ontario, and our thrust was exactly along that  
23 line here.

24 And one that I can talk about in terms of  
25 guides -- and you're talking about guides and



1 guidelines here, Mr. Lindgren?

2 Q. We are talking about your statement  
3 that it's difficult sometimes to translate broad MNR  
4 policies into the regional context. I'm wondering if  
5 you can offer any concrete examples of that difficulty.

6 A. Yes, certainly I can give you a very  
7 concrete example of that. Take for example the MNR  
8 policy of you shall harvest the oldest timber first.  
9 Take that policy and relate that specifically to the  
10 Iroquois Falls Forest which is composed of mainly old  
11 age-class structures which are situated on three site  
12 classes, site 1, site 2 and site 3, site 3 being the  
13 lowest of those.

14 Given the biological fact that forests  
15 recycle more quickly on the upper site classes; in  
16 other words, the stands will break up at age say 120 on  
17 site class 1 and stands on site class 3, which is the  
18 lower site class, will in fact stay there virtually  
19 until they are 180, 200 years of age.

20 The direction by MNR to handle and  
21 harvest the oldest age-classes first, in this  
22 particular case, means that you are harvesting - if you  
23 follow this to the letter - that you are harvesting  
24 timber on site class 3 while the more productive sites  
25 have stands falling down that are aged a hundred to 110

1 years of age instead of stands that you are harvesting  
2 on site class 3 which are 180 or 200 years of age.

3 Obviously there has to be some  
4 translation of that policy in terms of what's relevant  
5 for that particular forest type in which the management  
6 of our upper sites, site class 1 and 2 is of great  
7 impressive concern to the lowland sites, site class 3.

8 Q. Is it your understanding, Mr. Innes,  
9 that the Ministry has a policy of directing the cut to  
10 go to the oldest trees first?

11 A. The Ministry of Natural Resources has  
12 stated that as one of its policies, yes.

13 Q. Which policy or policy statement are  
14 you referring to?

15 A. Madam Chair, with your indulgence I  
16 will ask the assistance of my timber management friends  
17 here because I am not sure where that occurs.

18 MR. MUNRO: A. I'm not too sure it's a  
19 formalized policy as such, but it is a stated direction  
20 that was included in the initial concept of the FMA.

21 Q. Where is it stated, Mr. Munro?

22 A. I would have to check for you.

23 Q. Could you undertake to make that  
24 inquiry?

25 A. (nodding affirmatively)

1 Q. Thank you. And is that policy  
2 scrupulously followed, it's followed to the letter, Mr.  
3 Innes, Mr. Munro?

4 MR. MARTEL: I thought we were told by  
5 Mr. Ferguson - I'm just going by memory - that during  
6 recent panels that in fact the Ministry policy or  
7 stated position is not required that be oldest first in  
8 all cases. I'm just going by memory.

9 MR. FREIDIN: Mr. Martel, the evidence in  
10 Panel No. 6, this issue was addressed by the panel, and  
11 they did indicate that in fact they don't have to  
12 harvest the oldest first in that their timber  
13 management planning process allows for harvesting any  
14 age and we had this discussion about retaining older  
15 trees on the stump, the very thing that Mr. Innes is  
16 talking about.

17 So this whole issue of oldest first and  
18 whether there was a policy -- a strict policy we have  
19 to deal with, have to harvest oldest first, was  
20 canvassed not only in the Ministry's case but I think  
21 in Panel 6. I'm not going to try and --

22 MR. MARTEL: Yes, but it was more recent.  
23 I think it was brought to our attention more recently  
24 by Mr. Ferguson in his evidence in the last panel that  
25 he was on in some of the discussion.

1 MR. FREIDIN: Which would have been Panel

2 No...?

3 MADAM CHAIR: Panel 8.

4 MR. FREIDIN: Panel 8. It could very  
5 well have been there as well. It has certainly been  
6 canvassed and I think it might be inappropriate for me  
7 to try to summarize that, and I'm certain there's lots  
8 on the record.

9 MR. MUNRO: That's why I mentioned it was  
10 a direction, let's say it's a first consideration and  
11 in some cases it doesn't warrant application, in some  
12 cases it does.

13 But when you start your planning exercise  
14 it's the first direction that you are provided, you  
15 measure it, see how it is applies to you for the  
16 particular forest unit and then you adapt accordingly,  
17 and it's less rigorously in force today than it was,  
18 say, five or six years ago.

19 And it's something that has evolved, and  
20 I don't think we will find it as a policy that is  
21 written down and I doubt that we will find it as  
22 stated: This is the direction, but it certainly was  
23 the thrust at the time.

24 MR. FREIDIN: Mr. Martel, in terms of  
25 connection with the FMA policy, I think it was evidence



1 by Mr. Armson in Panel No. 2 regarding the connection  
2 between oldest first and access roads.

3 MR. MUNRO: In fact it was addressed by  
4 Dean Baskerville in his audit as being a potential  
5 problem and as a result of the audit, I believe that  
6 it's less rigorously applied today than it was when he  
7 did his audit.

8 MR. INNES: That is correct, Madam Chair.  
9 I think this is an excellent example, which is why I  
10 brought it up, in terms of it's mentioned by Dr.  
11 Baskerville as being a problem and it is in fact a  
12 policy because a policy is an intended course of  
13 action, and there was no question, because when the  
14 management plans were analysed, what MNR did in fact  
15 was to produce a list of how many stands were over a  
16 certain age-class versus the total harvest.

17 But since the Baskerville audit has come  
18 out and since MNR has reviewed this, they have found in  
19 fact it is not universally applicable and needs to be  
20 applied with care, and this specifically is an example  
21 where you don't take something broadly and translate it  
22 across the entire province the way it was initially  
23 done. So I think as an example it stands.

24 MR. LINDGREN: Q. Mr. Munro and Mr.  
25 Innes, are there other directions or policies that you



1 follow that are not written down, so to speak,

2 MR. INNES: A. Well, first of all, I  
3 will have to check to see whether or not this in fact  
4 is written down or is not written down, because I'm not  
5 certain about that, Mr. Lindgren, and Mr. Munro,  
6 however, has indicated he will review that.

7 Offhand I personally am not aware of  
8 other policies not being written down, but then again I  
9 am not chose to the timber management planning process  
10 in terms of writing individual plans. My other  
11 colleagues may comment.

12 MR. MUNRO: A. I'm not so sure that I  
13 would refer to them as policy, but there could be some  
14 thrust established at a regional basis which would be  
15 applicable to that region, and I think what we have  
16 tried to do in our system is ensure that there is some  
17 dissertation of policy down to the various structure  
18 and that there is some review of those policies and  
19 that there is direction provided by, let's say, the  
20 integrated user committee. That direction is provided  
21 to the plan author, the district manager and the local  
22 advisory committee.

23 Now, whether you would capsulize that  
24 thrust in a policy statement is something that I guess  
25 would have to be considered at a later date. The whole

1 idea of our planning process, as it's laid out, is to  
2 provide some direction up and down the system.

3 If you do have direction or thrust coming  
4 from that provincial committee or the regional  
5 committee, then there has to be some idea that it's  
6 actually workable at a ground level or a field level,  
7 and our process allows for that dissemination of  
8 information plus it allows for the plan author or  
9 district manager to review that and identify any  
10 potential problems and issues and send it back up the  
11 system.

12 This way we have a flow of information  
13 back and forth, because I think it's really essential  
14 to the entire process, whether it's our process or  
15 whether it's MNR's process, there has got to be top  
16 down/bottom up.

17 Q. Mr. Munro, do you have any actual  
18 examples of a thrust or a policy that originates from  
19 at the regional level?

20 A. Mr. Lindgren, that would be extremely  
21 difficult because our system hasn't been implemented.

22 Q. You've referred to I presume past  
23 examples of regional direction, regional policy,  
24 regional thrust that may or may not be able to be  
25 translated on the ground at the local level. I'm

1 asking for an example or examples of that.

2 A. Just trying to put it in context.  
3 One that would come to mind is the attention or the  
4 thrust in terms of providing a remote wilderness  
5 experience, I would think is more important in the  
6 northwest region than it would be, say, in the  
7 northeast region, and that we do have a distinctive  
8 difference in terms of tourist operators and how  
9 broad-based policies would be established and thrust  
10 established for both those regions would be different;  
11 and if that is deemed a thrust, I would think that  
12 would be one example.

13 Q. And are those written down?

14 A. As I said before. I don't think so.

15 Q. Mr. Innes. Returning to you and the  
16 integrated resource user committee. I note that the  
17 senior level policy committee members get travel and  
18 time expenses paid and the IRUC members do not. I am  
19 wondering what is the rationale for that statement.

20 MR. INNES: A. That is an inadvertent  
21 omission in this case, it should be in there.

22 Q. Turning to page 14, we see a list of  
23 the potential members of the IRUC and I think if I  
24 understand the thrust of your evidence, you have  
25 indicated that you want local or regional

1 representatives of provincial organizations?

2 A. That's correct.

3 Q. Now, are provincial organizations per  
4 se excluded from representation on this committee?

5 A. Madam Chair, I don't think they would  
6 be excluded but in if in fact they were on they would  
7 have to take a regional point of view in terms of  
8 representing their constituents as it were within that  
9 area. The intent is to reflect the users of the  
10 resource from that area. The real place for a  
11 provincial viewpoint or a national viewpoint comes at  
12 the senior level committee.

13 Q. A provincial organization may in fact  
14 have a great deal of interest in a particular region;  
15 would they not?

16 A. It's possible.

17 Q. And for that reason they may be  
18 appropriate members of the regional committee  
19 notwithstanding their lack of a local chapter?

20 A. That is a possibility. I would not  
21 like to think that a member of a provincial  
22 organization would supplant somebody from a region who  
23 has a local interest along that same line. The intent  
24 of this is to supply regional viewpoints.

25 Q. Now, in terms of the function of this

1 ...committee, the evidence states that this committee is  
2 to provide guidance to the regional level of the MNR  
3 for the criteria applicable to management plan  
4 approval. And as you may recall, the Ministry of the  
5 Environment posed an interrogatory on that statement,  
6 it's Question No.6 and it's found in Exhibit 1272,  
7 under Tab 2, and the question was asked:

8 "Please explain what is meant by criteria  
9 applicable to management plan approval?"

10 And the answer indicates that:

11 "It is the forest industry's  
12 understanding that the management plan  
13 approval depends to a large extent on  
14 subjective qualitative assessment by  
15 reviewers at a regional, district  
16 and main office level."

17 And I take it that is an assessment of  
18 what happens right now?

19 A. That's correct.

20 Q. And is there anything in your  
21 planning proposal that will change that type of  
22 assessment at the regional, district or main office  
23 level?

24 MR. MARTEL: Question 6 from whom, Mr.  
25 Lindgren?



1 MR. LINDGREN: Ministry of the  
2 Environment.

3 MR. INNES: Madam Chair, we are  
4 suggesting through this integrated resource user  
5 committee that an attempt be made to accommodate those  
6 criteria and I'm not aware of any other thrust that  
7 would do that.

8 MR. LINDGREN: Q. And in fact you refer  
9 to the evaluation criteria. In the last line you  
10 indicate:

11 "Collectively these evaluation criteria  
12 would form a type of check which list for  
13 plan approval."

14 In other words, Mr. Innes, as long as  
15 each item on the checklist can be checked off the plan  
16 will be approved; is that the thrust of this statement?

17 MR. INNES: A. No, it's not the thrust  
18 of this statement at all, Madam Chair. The intent of  
19 this is to provide a list of areas which must be  
20 examined for completeness in terms of both content and  
21 adequacy of level of content and detail.

22 Q. Now, in light of the diversity that  
23 we find across the area of the undertaking, isn't there  
24 a danger in attempting to standardize the content of  
25 timber management plans across the area of the

1       undertaking?

2                   A. We are making no suggestion that the  
3       content be standardized across the province, Madam  
4       Chair, what we are suggesting is, there has to be a  
5       level of information, a level of analysis and a degree  
6       of professionalism included in these plans which goes  
7       out up a certain standard and it suggests that there is  
8       room for improvement from where we now are at.

9                   Q. There is room for improvement in  
10      terms of the content, or in terms of the approval?  
11      That's very subtle.

12                  A. In terms of neither of those things.  
13      In terms of the degree of meaningfulness that a plan  
14      conveys to the public.

15                  MR. MARTEL: Can I ask a question. Did  
16      we not get a request for checklists way back when.  
17      People were presenting a whole demand, Hydro was using  
18      a checklist and somebody else was using a checklist.  
19      Weren't we told that we should have checklists with  
20      respect to a variety of things under the --

21                  MR. FREIDIN: Not by my client.

22                  MR. MARTEL: No, I didn't say by your  
23      client, in fact I believe it was being asked of your  
24      client, I believe, Mr. Freidin.

25                  MR. LINDGREN: Mr. Martel, if I might be

1 of assistance.

2 MR. MARTEL: Just to get my head straight  
3 now.

4 MR. LINDGREN: I think you might be  
5 referring to the EA checklist that was presented in the  
6 context of access road planning in Panel 15.

7 MR. MARTEL: That was one.

8 MR. LINDGREN: Well, that's the one that  
9 I'm aware of.

10 MR. MARTEL: But was there not one with  
11 respect to Hydro and what they were providing and a  
12 comparison made --

13 MR. COSMAN: Mr. Hunter was also pursuing  
14 that. Mr. Hunter, I recall Mr. Martel, was pursuing  
15 that using the Hydro checklist, I believe. But I think  
16 that that was in a different context than what we have  
17 here.

18 MR. MARTEL: Yes, all right.

19 MR. LINDGREN: Q. Mr. Innes, if we can  
20 move to the local citizens committee and local  
21 technical group.

22 MADAM CHAIR: Would you like to have  
23 lunch, Mr. Lindgren? Is this a convenient time?

24 MR. LINDGREN: This is an appropriate  
25 time, Madam Chair.

1 MADAM CHAIR: We will break for an hour  
2 and a half then.

3 ---Luncheon recess taken at 12:00 p.m.

4 ---On resuming at 1:35 p.m.

5 MADAM CHAIR: Please be seated.

6 Mr. Lindgren?

7 MR. LINDGREN: Thank you, Madam Chair.

8 Q. Mr. Innes, before the lunch break we  
9 were about to discuss the local citizens committee and  
10 local group. And turning first to the citizens  
11 committee, as I understand your evidence, you indicated  
12 this committee was important and necessary because it  
13 provides for bottom up information or plan input, and  
14 you referred to the fact that the committee would know  
15 some of the values, would know some of the potential  
16 resource conflicts that are out there.

17 Do you recall that testimony?

18 MR. INNES: A. That's correct. Yes, I  
19 do.

20 Q. Now, what are the specific problems  
21 or shortcomings in the existing planning process that  
22 would require the establishment of a citizens  
23 committee?

24 A. Madam Chair, we think this provides  
25 an additional opportunity for input at the management

1 unit level, at a local level and it provides for a  
2 chance to pick up any of the missing information that  
3 might come in that might not have come in through other  
4 channels that might only be available at the open house  
5 type of situation, and we also feel that this being a  
6 standing committee it will provide ongoing guidance to  
7 the plan author in terms of changes in local values or  
8 discovery of new values of any local change which may  
9 be of importance, and this might in fact cause a plan  
10 amendment to arise and this should give them  
11 experience.

12 It's also a value we think to have the  
13 draft plan presented to the local citizens committee in  
14 terms of completeness of that plan, in terms of getting  
15 local input prior to the plan going out to a larger  
16 public forum in such a way we ensure the plan is  
17 relevant at the local level as well as applicable to a  
18 larger area.

19 Q. So under the current planning process  
20 there's a chance that some report of local information  
21 could be missed and that would be picked up by the  
22 citizens committee?

23 A. This is an additional chance for that  
24 type of information to flow in and I think it's  
25 beneficial.



1 Q. Okay.

2 MADAM CHAIR: Would the local citizens  
3 committee be activated by working on the next five-year  
4 plan, or is the local citizens committee in existence  
5 all the way throughout?

6 MR. INNES: Madam Chair, we see the local  
7 citizens committee as being a standing committee and,  
8 therefore, it would review the results of the audit  
9 that comes in and it would start to assist the plan  
10 author in preparing for the next plan as well.

11 MR. LINDGREN: Q. I understand that the  
12 citizens committee will be chaired by the plan author?

13 MR. INNES: A. That is our intent.

14 Q. Would you agree with me that it might  
15 be preferable not to have the plan author as the  
16 chairman or chairperson in the sense that he or she may  
17 have too much invested in the plan so as to prevent them  
18 from being objective and not to accept criticism of the  
19 plan?

20 A. No, I would not agree with that  
21 statement, Madam Chair. The intent is to have the plan  
22 author in very close contact with the citizens  
23 committee, also the plan author is a professional and  
24 we think will have sufficient objectivity relative to  
25 the plan to be able to sort out bias from fact, and we

1 think that again this heightens the responsibility of  
2 the plan author and focuses the public generally and  
3 the citizens committee in particular upon the  
4 responsibility resting on the plan author to prepare  
5 the plan in such a way that is fair and workable.

6 Q. Well, you've indicated that there  
7 should be close contact between the plan author and the  
8 citizens committee, but does it necessarily follow that  
9 the plan author should be the chairman or chairperson  
10 of that committee?

11 A. I'm having trouble with your words  
12 'necessarily follow', you know, if A plus B equals C,  
13 it doesn't work that way.

14 What we're trying to do is to highlight  
15 the responsibility of the plan author and the plan  
16 author's responsibility in gathering information. In  
17 this respect we think it's appropriate, but not  
18 necessarily follow that the plan author be chairman of  
19 this committee.

20 MR. MARTEL: The plan author is going to  
21 chair also the technical group though.

22 MR. INNES: The technical group, Mr.  
23 Martel, is not one which is going to meet as -- I  
24 don't think on a regular basis, the same way that the  
25 citizens committee will meet.

1 MR. MARTEL: But the same person is  
2 chairing both groups?

3 MR. INNES: That's correct, that is the  
4 way we have stated this in our evidence, sir.

5 MR. MARTEL: And you don't see anything  
6 wrong with that person being in charge of both  
7 committees?

8 MR. INNES: Again it's for the same  
9 reason that we do it in the technical group that we do  
10 it in the local citizens committee, and that is to have  
11 an extremely close working relationship between the  
12 plan author and that group.

13 MADAM CHAIR: You said yesterday that the  
14 technical committee you're proposing is comparable to  
15 the planning team that the Ministry of Natural  
16 Resources uses now.

17 Can you remind me how the planning team  
18 is chaired. The plan author does not chair the timber  
19 management planning team, that's my understanding.

20 MR. INNES: I would ask for my  
21 colleagues --

22 MS. MUNRO: It varies across the area of  
23 the undertaking. In some cases it would be the  
24 district manager who would chair that, in some cases it  
25 could be an integrated resource management person from

1 natural resources, and in some cases it could be the  
2 plan author, and in some cases it could be the  
3 individual that has supervised the production of the  
4 plan. And Mr. Suomu was a chairman of one of the  
5 planning committees which he was involved in.

6 One of the plans that I was involved in,  
7 they had an integrated resource person to initially  
8 start to chair it, and then that became a biologist, a  
9 wildlife biologist that chaired it in the end.

10 MR. INNES: I believe in one of the  
11 situations my company is in there is joint chairmanship  
12 between the plan author and the management forester  
13 from MNR.

14 MR. LINDGREN: Q. And you're speaking of  
15 the planning team?

16 MR. INNES: A. That's correct.

17 Q. And turning to the local technical  
18 group, can you identify for me and for the Board the  
19 shortcomings in the current planning team approach that  
20 would require the establishment of a local technical  
21 group?

22 A. The local planning team in effect is  
23 what makes up the technical group which we're speaking  
24 about now, Madam Chair. We're talking about technical  
25 experts from within MNR and in fact those are the

1 people that sit on the planning team at the moment, and  
2 we are talking about bringing in whatever expertise is  
3 required from outside the Ministry, and I believe the  
4 district manager of Natural Resources now does that to  
5 bolster the planning team to whatever strength that he  
6 or she feels is necessary. So in essence, the  
7 technical group that is there now in fact is what MNR  
8 will call their planning team.

9 I believe in some cases in northwest I  
10 understand, although I am not personally familiar with  
11 this, there have been advisors brought into the  
12 planning team which are non-technical people. Mr.  
13 Suomu or somebody may be able to comment on that.

14 MR. SUOMU: A. I'm trying to think of  
15 where we have advisors, we have members or  
16 representatives from the Ministry of --

17 MR. FREIDIN: I'm sorry, I can't hear the  
18 witness.

19 MR. SUOMU: We had representatives from  
20 the Ministry of Tourism assigned to the planning team  
21 on a full-time basis. Other than that, I don't have  
22 experience on having anyone else assigned, other than  
23 that.

24 MADAM CHAIR: Has there been an occasion  
25 for Industry - and I suppose it would have to be within



1 one company - where you would have people with  
2 experience in your company that you would want to bring  
3 in to work on the timber management plan, they might  
4 not necessarily be the forester in charge or the author  
5 of the plan, or does Industry not have the resources to  
6 bring in advisors in that capacity?

7 When I think of advisors I think of other  
8 people in government or people from the regional or the  
9 provincial level of the Ministry of Natural Resources.

10 MR. COSMAN: Are you speaking to  
11 non-timber advisors?

12 MADAM CHAIR: No, timber.

13 MR. COSMAN: Timber.

14 MADAM CHAIR: Timber advisors, we're  
15 looking at the timber management plan. Any of the  
16 evidence we have seen before us has been that there is  
17 usually one Industry representative if you're looking  
18 at an FMA, that is the plan author, he or she is the  
19 only Industry representative on the planning team.

20 MR. INNES: I understand Madam Chair. In  
21 the case of Abitibi-Price the plan is examined, looked  
22 at, and put together at several different levels within  
23 the company for the timber management component of it  
24 and there is not just one individual person, for  
25 example, resident in Thunder Bay as the divisional

1 forester who would do that.

2 For the plan now being put together for  
3 the Spruce River Forest, for example, the plan author  
4 is a registered professional forester whose  
5 responsibility that is, however he has working with him  
6 internally in the company the divisional forester, Mr.  
7 Squires, whom you met I believe at this hearing, he has  
8 the divisional manager who is also an RPF, plus another  
9 one in the company, plus I review that.

10 So there is a number of people involved  
11 in advising and dialoguing with the person responsible.

12 MADAM CHAIR: But this person sits on the  
13 planning team as the only member of your company?

14 MR. INNES: That's correct. You are  
15 allowed, as I understand it, one representative from  
16 the company on the planning team under the current  
17 situation of MNR.

18 MR. LINDGREN: Q. At the top of page 16  
19 of the witness statement there's an indication that:

20 "The local technical group will usually  
21 not meet as a group unless  
22 interdisciplinary co-ordination is  
23 required."

24 And who would be making that  
25 determination?

1 MR. INNES: A. That determination could  
2 be made, in my estimation, by either the plan author or  
3 by the district manager both of whom sit on the  
4 technical group.

5 Q. And under what circumstances would it  
6 be advisable to undertake an interdisciplinary  
7 approach?

8 A. I would think there would be  
9 necessity for an interdisciplinary approach where  
10 there's a possibility of competing resource uses and  
11 inadequacy of the land base perhaps to support those,  
12 or a conflict of resource uses in terms of one  
13 particular resource wanting some particular thing done  
14 which is in opposition to another resource, or where  
15 there's the capability perhaps of some synergy by  
16 having two things done in sequence or together. Those  
17 types of things would be appropriate.

18 Q. And presumably in those circumstances  
19 an invitation would go out to other interested  
20 government agencies such as Ministry of the  
21 Environment, they would presumably be invited to  
22 participate on this local technical group where their  
23 concerns are relevant?

24 A. That's quite correct. In an  
25 interrogatory response to MOE we have considered that

1 MOE would be a part of the technical group.

2 MADAM CHAIR: Don't we have an agreement  
3 before us between MOE and MNR to the effect that MOE is  
4 always invited to sit on the timber management planning  
5 team if it wishes, it can choose to do so or not.

6 MR. INNES: That's correct, Madam Chair,  
7 and we represent that in our response to the MOE  
8 interrogatory, and we also I believe said that was why  
9 we did not specifically mention them because we  
10 understood that understanding would be followed  
11 through.

12 MR. LINDGREN: Q. And is it your  
13 evidence, Mr. Innes, that there is no substantive  
14 difference between the MNR's current planning team and  
15 your local technical group?

16 MR. INNES: A. To the best of my  
17 understanding of what the planning team consists of,  
18 that is true.

19 Q. And then turning back briefly to the  
20 citizen group -- the local citizens committee, I  
21 understand that membership will be determined by the  
22 district manager; is that correct?

23 A. That is correct.

24 Q. Is there a reason why membership  
25 would not be open to any public interest group or any

1 individual that might be interested in participating?

2 A. I would think there would be no  
3 reason.

4 Q. In other words, if membership were  
5 open, it would be unlikely to see a floodgate of people  
6 clamoring to be part of this committee. You would have  
7 some interest, but there would not be an overwhelming  
8 number of groups wanting to participate?

9 MADAM CHAIR: Excuse me, Mr. Lindgren,  
10 are we talking about the local citizens group or the  
11 technical --

12 MR. LINDGREN: The citizens committee.

13 MR. INNES: Our experience, Madam Chair,  
14 has been that there is a considerable degree of  
15 interest at the local level of what happens in the  
16 forest and how it's planned and how the activities are  
17 undertaken, so I would think there would be an  
18 interested pool of interested people who would be  
19 prepared to participate on this committee.

20 The difficulty is going to be to have  
21 people who are willing to serve for the length of time  
22 we are looking at, who are willing to participate in  
23 the standing committee who in fact have the time and  
24 interest to be able to take on that commitment.

25 MR. LINDGREN: Q. And if they were



1 interested, these people or these groups could apply to  
2 the district manager and they would de facto become  
3 members; would they?

4 A. We have not determined whether de  
5 facto is the way it would happen, we would leave that  
6 to the discretion of the Ministry of Natural Resources  
7 to organize exactly how this was going to happen.

8 Q. Okay, thank you. And finally with  
9 respect to the citizens committee, should there be  
10 provision for funded travel of committee members so  
11 that they can go to specific areas of the management  
12 unit where there might be some on-the-ground problems?

13 A. I would think that would be both  
14 appropriate and necessary.

15 Q. Appropriate and necessary?

16 A. Yes.

17 Q. All right. And you also indicated  
18 finally yesterday that the local committees do not  
19 diminish the current authority of the MNR biologist or  
20 of other forest users.

21 Now, your use of the word 'authority'.  
22 Would you agree with me that these people apparently  
23 have no legal authority under the current planning  
24 process or even under your proposed planning process?

25 MR. COSMAN: That was my question, Madam

1 Chair, and I wasn't using the word 'authority' in a  
2 legal sense which would be improper in any event  
3 because my witness is not a lawyer and not able to  
4 respond to a legal question.

5 MR. LINDGREN: Q. Mr. Innes, when you  
6 used the word authority, what did you have in mind?  
7 You weren't referring to any substantive power; were  
8 you?

9 MR. INNES: A. Madam Chair, I was  
10 referring to the right of input, the right to have  
11 professional judgment recognized, the ability to  
12 contribute to the planning process and recognition of  
13 the specialty of that particular person involved in  
14 that process.

15 Q. And that is the right to have input,  
16 that is not authority; correct?

17 A. Madam Chair, I'm unclear as to what  
18 Mr. Lindgren means by authority in this case. Could  
19 you assist me?

20 Q. The committee members have no  
21 authority or power or jurisdiction to require anything  
22 in the timber management plan; they can advise, they  
23 can make recommendations, but they don't have any  
24 authority; do they?

25 A. All these committee structures are

1 advisory, nobody has any authority under this process  
2 except the Minister of Natural Resources.

3 Q. Okay, thank you.

4 MADAM CHAIR: Excuse me. Wasn't there a  
5 provision, and I don't know if it was the local  
6 citizens committee, that there would be some  
7 documentation of issues that they identified?

8 MR. INNES: Yes, that's quite correct,  
9 Madam Chair. If there were problems at a local level  
10 in terms of the appropriateness of targets, of the  
11 achievability of targets, of conflicts, they would  
12 identify these and these would be taken jointly by the  
13 district manager and by the plan author to the  
14 integrated resource users committee who would then try  
15 to either provide resolution or establish the  
16 interdisciplinary teams and would try and attack these  
17 problems and bring back a resolution to the committee  
18 to make recommendations to the Ministry.

19 MADAM CHAIR: And that would be  
20 documented somewhere in the background files to the  
21 plan?

22 MR. INNES: Yes, indeed it is. This is  
23 all background information and all forms part of the  
24 database.

25 MR. LINDGREN: Q. Mr. Munro, perhaps if

1 I could turn briefly to you. I understand that you are  
2 responsible for the portion of the evidence that we  
3 find at page 16 and following on the integrated  
4 resource planning system?

5 MR. MUNRO: A. That's correct.

6 Q. I ask you to turn to page 17 and at  
7 the bottom of the page you indicate that:

8 "The result is an integrated resource  
9 plan for timber management that provides  
10 executive summaries of pre-planning  
11 components and specific details on the  
12 planned timber management activities for  
13 the five-year period."

14 And harkening back to the discussion that  
15 we had this morning, would you agree with me that you  
16 essentially have a timber management plan, you don't  
17 have an integrated resource plan?

18 MR. MUNRO: A. Madam Chair, what you  
19 have in Industry's view is an integrated resource plan  
20 for timber management which, as Mr. Innes pointed out  
21 this morning, includes both timber management  
22 objectives and objectives in terms of the timber  
23 component of the other resource programs. So, in my  
24 view, that is a form of integration.

25 Q. Mr. Munro, I'm not here to quibble

1 about semantics, but I'm somewhat puzzled by your use  
2 of the word 'integrated resource plan' for a plan  
3 prepared by Industry with respect to timber values.

4 A. And the non -- and the timber  
5 component of the other resource programs. Now, in our  
6 mind that is integration.

7 There is an opportunity for individuals,  
8 interested parties, advisory committees to indicate  
9 what their interests are in terms of the other resource  
10 programs as they relate to timber management, thereby  
11 integrating the non-timber -- or the timber component  
12 of the other resource programs into timber management.

13 Q. And so if I understand the process  
14 correctly, the plan author will produce a timber  
15 management plan, he will have listened to some input  
16 from some parties on non-timber values and, in your  
17 view, that's integration?

18 A. Madam Chair, the plan author will  
19 have produced an integrated resource plan for timber  
20 management with the assistance of advisory committees,  
21 of MNR technical experts, outside technical experts,  
22 committees at a regional basis which receives direction  
23 from a provincial committee that has as its terms of  
24 reference to look at timber management in light of the  
25 other resource programs, and attempt to establish



1 objectives that can be used in timber management in  
2 terms of targets for the timber component of the other  
3 programs; in fact, that is how we see integration  
4 occurring.

5 I think it would be fair to say that in  
6 the other resource program planning that they would  
7 look at timber in the same way. If I was producing,  
8 let's say a fisheries plan, that we would in resource  
9 management look at timber to see what impact we had on  
10 that operation as well, and in fact that is done in the  
11 northwest region. We have fisheries plans, they have  
12 looked at the timber component particularly with a mind  
13 to access on how timber management could help or assist  
14 or enhance them in achieving some of their fisheries  
15 objectives.

16 Q. If that is what you regard as  
17 integration, if that's integration, how does your  
18 planning process differ from what we have under the  
19 current planning process?

20 A. We went through a comparison of the  
21 differences yesterday and spent a considerable amount  
22 of time highlighting where those differences were.

23 The key is the separation of the  
24 pre-planning from the planning, and considerably more  
25 emphasis put on public participation, more emphasis put

1 on the other users in terms of establishing the non- or  
2 the timber component of the other resource programs,  
3 trying to put an objective in terms of timber  
4 management into the plan, more emphasis on summarizing  
5 technical information and providing that information in  
6 executive summaries, thereby allowing the public to  
7 become educated and be able to understand the broader  
8 picture, what the framework is in place for planning,  
9 some of the influencing factors with regard to timber  
10 management planning.

11 Q. Can I ask you to move to page 18, and  
12 in the last paragraph there's an indication that:

13 "Results of the analysis will be  
14 highlighted particularly if the  
15 established targets for the forest  
16 management units are unrealistic."

17 And I'm wondering, Mr. Munro, if you can  
18 provide us with actual examples of unrealistic timber  
19 targets?

20 A. Madam Chair, under the current  
21 system - and maybe my colleagues could help me out  
22 here - there is SLUP documentation prepared, there's  
23 district land use guidelines prepared. To my  
24 understanding, there has not been a translation of  
25 those district land use guidelines to a forest

1 management unit; therefore, at this time I would have a  
2 great deal of difficulty indicating where there has  
3 been an established target that was unrealistic.

4 What we are proposing in our system is  
5 that those district land use guideline targets are  
6 translated into a management plan to the greatest  
7 degree possible, that targets are established, and that  
8 there is some measure in terms of whether those targets  
9 are actually being achieved, not only by the plan  
10 author and the district manager, but by an independent  
11 audit as well.

12 Q. Well, the statement that:

13 "...established targets for the forest  
14 management unit are unrealistic...", that  
15 statement suggests to me that there has been some  
16 previous experience with unrealistic targets.

17 And perhaps I could ask any other panel  
18 member to advise me of any specific or actual examples  
19 of unrealistic timber targets that they have been  
20 exposed to?

21 MR. COSMAN: Madam Chair, it's necessary  
22 to read the whole sentence, and the sentence provides  
23 that:

24 "If the established targets for the  
25 management unit are unrealistic...",

1 this is a plan speaking prospectively not historically,  
2 it's a new plan that is proposed, and my friend can't  
3 ask where under this planning system targets have been  
4 established to be unrealistic when this particular  
5 planning system isn't in place.

6 MR. LINDGREN: Madam Chair, I'm simply  
7 asking this panel as to whether or not they have seen  
8 or have been exposed to unrealistic targets, and  
9 presumably that's why this planning process has been  
10 proposed, and I think it's a fair question and I'm  
11 expecting an answer from any panel member who might  
12 have some information to shed on that issue.

13 MR. INNES: Madam Chair, I can assist in  
14 this matter. At the Spruce River Forest the planting  
15 target for nursery stock is set by the Ministry of  
16 Natural Resources by the district at a certain level.

17 In the calculations done by the company  
18 in the preparation of the plan that level is too low  
19 for the sustained target that we have for that  
20 management unit, there is continual debate internally  
21 between MNR and the company as to what the target level  
22 should be, and it is that type of debate, because it is  
23 unresolvable at the local level, which should go to a  
24 higher level, and that is precisely the kind of thing  
25 that we are trying to address in the planning system



1 - which we laid before this Board.

2 MR. LINDGREN: Q. Thank you, Mr. Innes.

3 Does any other panel member have a similar example?

4 MR. SUOMU: A. My understanding of this  
5 paragraph is that it deals with the non-timber  
6 components and in a lot of cases we don't have any  
7 specific targets at this point, and this evidence was a  
8 response to highlight the fact that if you don't have a  
9 target it's very hard to measure whether it is  
10 realistic or not.

11 So what we are in fact asking for is some  
12 indication from the other programs of realistic targets  
13 which are achievable.

14 Q. I think your point is well taken, Mr.  
15 Suomu, except that this paragraph does relate to the  
16 resource program objectives and targets for the forest  
17 management unit, I presume that would include timber  
18 targets; that's a forest resource within the unit, is  
19 it not?

20 A. It very well may, yes.

21 Q. Okay, thank you.

22 Mr. Munro, returning to you. At the top  
23 of page 19 there's an indication that:

24 "All the information required for  
25 integrated resource planning for



1                   timber management must be available for  
2                   public review and input."

3                   Would you also agree that information  
4                   gathered by the Ministry of Natural Resources on  
5                   non-timber values should also be freely available for  
6                   public input and review?

7                   MR. MUNRO: A. Yes, I would agree with  
8                   that.

9                   Q. And what would happen if your  
10                  proposals are accepted, in the sense that the timber  
11                  information is freely available but the non-timber  
12                  information is not readily available; would that have  
13                  an effect on the management or integration of the  
14                  forest-based resources?

15                  A. Our recommendation is that all  
16                  information be available in terms of the integrated  
17                  resource database and be completely open to the public.

18                  Q. Now, as I understand it, the district  
19                  manager under this proposal is to ensure that the  
20                  integrated resource database is compiled and is to  
21                  include information on non-timber values; is that  
22                  correct?

23                  A. What it does include is a summary of  
24                  the inventories, the date that the inventory was taken,  
25                  and the district manager must identify any specific

1 problems and issues with that inventory. Mr. Lindgren  
2 provides a good example. If there was no inventory,  
3 that would have to be identified and a strategy would  
4 have to be developed to deal with that.

5 That's not to say that they would  
6 automatically run out and gather information, but they  
7 would indicate that is lacking and put together a  
8 strategy and this strategy could in fact be that's not  
9 necessary to collect that information at this time or  
10 that they're going to collect it over a period of time.

11 Q. And on that point, can I ask you to  
12 turn to page 60 of the witness statement. I find a  
13 sample Table of Contents on the summary of existing  
14 inventories and surveys, and I have a couple of  
15 questions about this particular listing.

16 Could I ask you to turn to Item No. 14 on  
17 the list which is significant wetlands inventory. And,  
18 first of all, when you refer to significant, are you  
19 talking about provincially, regionally or locally  
20 significant wetlands?

21 A. That would be what the district  
22 manager considers significant.

23 MR. MARTEL: I didn't hear that, could  
24 you repeat?

25 MR. MUNRO: It would be what the district

1     ...manager considers significant since he's putting it  
2     together. I'm not really qualified to answer that.

3             MR. LINDGREN: Q. Well, from a planning  
4     perspective, would it be advisable to require the  
5     Ministry of Natural Resources to prepare a wetland  
6     evaluation system for northern wetlands to allow the  
7     district manager to identify and assess significant  
8     northern wetlands?

9             MR. MUNRO: A. Again, I would have to  
10    say I'm not really qualified to answer that until I saw  
11    some indication of what that would entail.

12            Q. You are aware that there currently is  
13    no wetland evaluation system for northern Ontario  
14    wetlands?

15            A. Yes, I am aware that there is no  
16    current inventory. I'm also aware that if they were to  
17    take the southern Ontario wetlands, I assume it's a  
18    procedure or way of classifying them, that there  
19    wouldn't too much of the area in northern Ontario that  
20    wouldn't qualify as wetlands.

21            I think there has been some discussion  
22    about devising a system that could be applicable to  
23    northern Ontario, but again it's pure speculation on my  
24    behalf, I haven't been involved in it.

25            Q. But just as a matter of planning

1 principle, wouldn't it be advisable to provide some  
2 sort of specific guidance to the district manager when  
3 he's assessing significance of local wetlands?

4 A. I would hope if they were going to  
5 develop a procedure for northern Ontario that that  
6 would be taken into account.

7 Q. Then turning down to No. 18 on your  
8 list, forest ecosystem classification data.

9 A. I'm sorry, what number was that, I'm  
10 sorry?

11 Q. No. 18.

12 A. Okay.

13 Q. Can you confirm for me that the FEC  
14 has not yet been completed for all regions within the  
15 area of the undertaking?

16 A. It is my understanding it has not  
17 been completed.

18 Q. Okay. And I take it you would  
19 support the completion of the FEC system?

20 A. The area where it has not been  
21 completed, to my recollection, is in the northcentral  
22 part and I think in talking to some of my colleagues at  
23 Eddy Forest Products they indicated that they did not  
24 have an FEC classification for their particular FMAs,  
25 however, they did indicate that they have extensive

1 soil surveys that was gathered in the past and it may  
2 be inappropriate to collect FEC information but, again,  
3 that would be best dealt with with those individuals, I  
4 can't really comment.

5 Q. Turning to Item No. 18, wildlife  
6 populations.

7 MR. COSMAN: 19?

8 MR. MUNRO: 19.

9 MR. LINDGREN: Q. Or 19, sorry, you  
10 indicate that moose, deer and bear surveys should be  
11 referenced, and then at Item No. 25 there's a reference  
12 to eagle, osprey and heron inventories.

13 I take it then that you are not  
14 advocating the inventory of all flora and fauna within  
15 a unit that might be affected by timber management?

16 MR. MUNRO: A. Madam Chair, I can only  
17 refer to Item 26 which is other relevant inventories,  
18 and I would think that that would be a responsibility  
19 of the district manager in conjunction with the local  
20 citizens group to establish what other relevant  
21 inventories would be important or applicable to that  
22 particular management unit or district.

23 Q. Would an inventory of non-vertebrate  
24 species be important generally? -

25 A. Again, if that issue was raised by



1 individuals or the local citizens group, I would think  
2 the district manager would consider the merit of it and  
3 put it in the context of whether it was applicable.

4 Q. And what about an inventory of  
5 botanical resources in the unit, would that be  
6 generally a good idea or would that be important?

7 A. My response would be the same, I'm  
8 just not qualified to answer those questions.

9 Q. Can I ask you to return to page 21 of  
10 your evidence, and this is a discussion of the  
11 responsibility of the plan author. And on page 21 in  
12 the third paragraph you indicate that:

13 "The plan author would prepare an  
14 executive summary outlining the results  
15 of the analysis and various management  
16 alternatives available for consideration  
17 during plan production."

18 And can you confirm for me that  
19 consideration of those alternatives relate solely to  
20 timber management issues?

21 A. That is correct.

22 Q. That's correct. And at the bottom of  
23 that page you discuss the report on past forest  
24 operations, and I think you indicate that there will be  
25 an executive summary of that document. Now, is this

1 --going to be placed in the plan?

2                   A. It would accompany the plan as  
3 supplementary documentation as we indicated yesterday  
4 and -- it would accompany the plan, would be the  
5 answer.

6                   Q. So it's not in the plan but it's with  
7 the? Plan.

8                   A. It's available with the plan as part  
9 of the supplementary documentation.

10                  Q. And as I understand, the report of  
11 past forest operations would go back in time for a  
12 period of five years?

13                  A. Yes, that's correct. It would look  
14 at the previous five-year plan.

15                  Q. When you are preparing an executive  
16 summary of that kind of documentation, would it be  
17 feasible or reasonable to start analysing data for more  
18 than the past five years in order to detect long-term  
19 trends?

20                  A. I would assume that planning is a  
21 continuous process, that the plan author and indeed the  
22 independent audit team would look at the past plan,  
23 which would include a report on past operations of the  
24 previous plan and, thereby, I see the link -- an almost  
25 continuous link from one planning period to another.

1 Q. Would it be possible to take those  
2 -- executive summaries of the reports of past forest  
3 operations; take them, assimilate them, consolidate  
4 them and put them in some accessible location in or  
5 with the plan so you can detect long-term trends?

6 A. I don't think that would be  
7 unreasonable to have them filed in a central location,  
8 if you have an executive summary from a previous plan  
9 or subsequent - if that's the right word - or previous  
10 previous plans that they could be filed in a central  
11 location, and I see that as information that would be  
12 available to the public quite readily and openly.

13 Q. And then turning briefly to the old  
14 question of audits, which we find discussed on page 22  
15 of your evidence. Now, yesterday you expressed a  
16 concern over public credibility of the audit process  
17 and that was the reason why you recommend that the  
18 Ministry appoint a non-Ministry audit team.

19 And if that's the concern, Mr. Munro,  
20 would Industry have any objection if there was public  
21 representation on the team in the form of a public  
22 interest group or a private individual?

23 A. The reason that we indicated that it  
24 would be independent and independent in the sense that  
25 it would be appointed by MNR, was so that there would

1 be no sense of single-interest involvement or no  
2 conflict of interest.

3 Whether you could have an interested  
4 party that had a vested interest in the outcome, I  
5 would think that that could possibly rule them out.  
6 That we truly want it to be a fair audit and with no  
7 bias basically, and that would be my only  
8 recommendation.

9 Q. If the concern, Mr. Munro, is to have  
10 this audit enjoy some semblance of public credibility,  
11 wouldn't it be advisable to have some public  
12 representation on the audit team?

13 A. Perhaps we have a different idea in  
14 what an independent audit team is, and in my concept of  
15 an independent audit team, is that they in fact do  
16 represent the public and that is their function and  
17 they are, in layman's terms, the eyes and the ears of  
18 the general public, they are not --

19 MR. MARTEL: But how do you find  
20 completely independent audit group, since regardless of  
21 whether MNR brings them from another area, another  
22 management unit or so on, total independenc, total lack  
23 of bias is almost impossible to get, particularly  
24 when -- whether most foresters either work for the  
25 Industry or they work for MNR, or they might teach at a

1 university, beyond that realm, where do you find what  
2 you're looking for, the truly independent individual?

3 MR. MUNRO: Well, Mr. Martel, that's a  
4 very interesting point and it's something that I think  
5 we will have to deal with in terms of establishing an  
6 independent audit team, and the key is: Does it have  
7 public credibility?

8 And if you are producing audits and the  
9 public is still saying that's not the way we see it, I  
10 would suggest to you that perhaps you should change  
11 your audit procedure or the team.

12 To have a particular interest group  
13 represent the general public is almost impossible too.  
14 There is hardly any interest group that can say we are  
15 the public, because they have vested interests as well.  
16 It's a difficult situation, I would agree with you.

17 MR. MARTEL: Well, it's the same with any  
18 type of monitoring, how do you get someone that's so  
19 totally divorced from the monitoring that they're going  
20 to do that in fact --

21 MR. MUNRO: I think Industry and all  
22 other parties would have to enter into a group with  
23 some common trust and understanding. It's key me in  
24 mind to resource management. There's got to be a  
25 common goal, and that's to ensure that good timber



1 management planning is --

2 MR. MARTEL: It's almost like someone who  
3 is involved in arbitration, people gain the respect and  
4 trust of a individual and you see everyone clamoring to  
5 use them because they have the faith from both sides or  
6 belief from both sides because of independence, but  
7 that takes long hard work.

8 MR. MUNRO: That is why I say I think our  
9 process has to be evolved over time.

10 MR. INNES: If I could add to that, Mr.  
11 Martel and Madam Chair, just as the legal profession in  
12 fact is developing an area of environmental expertise  
13 which wasn't there as late as late as three years ago,  
14 for example, I have been approached a number of times  
15 in the last year by various management firms that now  
16 undertake financial audits who have an interest in  
17 developing forest type audits, not just in Ontario but  
18 across the country.

19 So that area of expertise is being  
20 recognized as something which is coming in all the  
21 provinces, and I suspect we are going to see  
22 development of expertise in this in the very near  
23 future, it's not there yet.

24 MADAM CHAIR: Have they approached Dean  
25 Baskerville?

1                   MR. INNES: We have the Baskerville team  
2           housed that.

3                   MR. FREIDIN: I just hope your comment  
4           about the legal expertise in the environmental area  
5           wasn't applicable to any counsel here, Mr. Innes.

6                   MR. MUNRO: Mr. Innes certainly wasn't  
7           qualifying any individuals as being eligible for an  
8           audit team.

9                   COSMAN: Madam Chair, Mr. Martel, just so  
10          my friend understands our position on this. And as Mr.  
11          Martel points out, independence is often different from  
12          the vantage point that you look at it, by the same  
13          extent that this Board is independent of the parties,  
14          it represents the public and is independent of the  
15          parties.

16                   I don't think it's going to be unfair  
17          because an Industry person isn't sitting there. My  
18          friend doesn't think it's going to be fair because  
19          Forests for Tomorrow isn't going to be sitting there.

20                   I would suggest that if you were to have  
21          an audit team composed of all the interested parties or  
22          a tribunal such as the environmental assessment  
23          comprised of all interested parties who have an  
24          interest or stake in the system isn't going to work.

25                   So what you have to look for is the most

1 independent kind of person that you can find. And when  
2 the Ministry in speaking to the public is trying to  
3 tell the public we are doing a good job, you don't  
4 want, in our respectful view, someone from the Ministry  
5 being that auditor; you want someone from the outside,  
6 and it may never be perfect but it will be more  
7 independent than having someone internal to the  
8 Ministry.

9 MR. LINDGREN: Q. A few final questions  
10 on the audit, Mr. Munro. First of all, to whom is the  
11 audit team accountable.

12 MR. MUNRO: A. The Ministry of Natural  
13 Resources.

14 Q. And do the audit teams report to the  
15 Minister with recommendations, for example?

16 A. They are appointed by the Minister.  
17 I would suggest to you that they would report to the  
18 Minister findings as well as the general public and  
19 that audit would be open to the general public.

20 Q. And would the audit team's findings  
21 and recommendations be final or binding, or could they  
22 simply be ignored?

23 A. Madam Chair, under our proposal it  
24 results in the audit must be highlighted by the plan  
25 author in the executive summary. He must address

1 problems and issues, develop some type of strategy to  
2 deal with results of the audit, if that's a problem and  
3 issue, and take that to the advisory committee, then in  
4 turn the general public, then in turn the integrated  
5 resource user committee.

6 So if there was an audit result or a  
7 recommendation that the plan author had some control  
8 over, I would think that they would have to act on it  
9 and it would be in the plan author's best interest, the  
10 company's best interest and general public's best  
11 interest to proceed on that recommendation.

12 Q. Is the plan author compelled to adopt  
13 or apply each and every recommendation holus bolus?

14 A. I would say no, and the reason being  
15 that not all audits are right in terms of hitting the  
16 nail on the head, more or less, and there is some room  
17 for interpretation and application on the particular  
18 forest unit.

19 So holus bolus, no. Good recommendations  
20 that are applicable, yes, I would say they would be  
21 acted upon.

22 Q. Okay, thank you. Mr. Fry, perhaps I  
23 could turn to you briefly on the issue of plan  
24 production. And on page 26 of the evidence under the  
25 heading Timber Management Objectives and Targets, we

1 see that:

2 "The plan author will review the  
3 previously proposed objectives, targets  
4 and strategies and would select a  
5 proposal that fits his/her forest  
6 management unit and that would  
7 address the concerns of the reviewing  
8 parties."

9 Now, the Ministry of the Environ asked an  
10 interrogatory on that paragraph and it's found at --  
11 it's Question No. 16 in Exhibit 1272, Tab 2.

12 MR. FRY: A. Sorry, can you repeat that?

13 Q. It's Tab 2, Question No. 16 from the  
14 Ministry of the Environment and the question simply  
15 was:

16 "At what stage of plan production are  
17 objectives, targets and strategies for  
18 non-timber values discussed?"

19 And with respect I have reviewed your  
20 answer and I don't understand it, so I will ask the  
21 question again: At what stage of plan production are  
22 the non-timber objectives, targets and strategies  
23 discussed?

24 A. We describe Section 3.1 in the  
25 pre-planning phase where as part of the assembly of the



1 background information there would be a review of  
2 non-timber objectives, targets and strategies that may  
3 have been applied or may have been developed in other  
4 plans, other resource management plans.

5 One part of those objectives, targets and  
6 strategies may be a timber -- may involve a timber  
7 component, for example, I believe Mr. Innes has used  
8 the example of requiring a certain amount of late  
9 winter cover, for example, for enhancement of the moose  
10 population.

11 This would be the type of thing that  
12 would be identified by the district manager as part of  
13 his development of this particular section.

14 Q. Now, Mr. Fry, you are reading from I  
15 believe the first paragraph of the answer which  
16 describes the pre-planning production or the  
17 pre-planning component, and the question quite clearly  
18 relates to plan production.

19 A. If I can --

20 Q. Now, in Section 3.3 - I'll ask the  
21 question, in Section 3.3 --

22 MR. COSMAN: Did Mr. Fry finish his  
23 answer?

24 MR. FRY: I would like to continue on  
25 through my answer here, because that is one part of how

1 the timber components of our management objectives,  
2 targets and strategies would be established. There  
3 obviously would be a timetable there for soliciting --  
4 just back up here for a moment.

5 Okay. The pre-planning component would  
6 see the development of the timber component of  
7 management objectives, targets and strategies  
8 established in that defined phase, so you can lead me  
9 to the next part of your question.

10 MR. LINDGREN: Q. Well, the question is  
11 this: In the third paragraph of the answer you discuss  
12 Section 3.3 of your answer and you indicate:

13 "At this stage, the plan author would  
14 finalize the timber management  
15 objectives, targets and strategies based  
16 on feedbacks from the public and advisory  
17 committees following the processes  
18 described in Section 3.2."

19 MR. FRY: A. Yes.

20 Q. We're talking about plan production  
21 here. Where are the non-timber objectives, targets and  
22 strategies discussed?

23 A. They are discussed in the  
24 pre-planning phase.

25 Q. So they are not discussed during the

1 plan production?

2 A. The only -- the extent to which they  
3 would be discussed in my view in plan production is in  
4 a discussion that would take place in this particular  
5 section outlined on page 26, 3.3.8 where the plan  
6 author would select a particular set of objectives,  
7 targets and strategies and the rationale for that  
8 selection would be presented there.

9 Q. Well, as I read Section 3.3 it speaks  
10 to timber management objectives, targets and  
11 strategies.

12 A. The timber component of other  
13 resources would be included in this.

14 Q. The timber component of--

15 A. The timber component.

16 Q. --of the non-timber values?

17 A. That's right.

18 Q. So again my question is: Where are  
19 the non-timber objectives, targets and strategies  
20 discussed at the plan production stage, and I think  
21 your answer is they are not?

22 A. They would be discussed fully in the  
23 pre-planning phase.

24 Q. Yes, we have heard that.

25 A. And they would -- the extent to which

1 they would be discussed at this point, I think, would  
2 just be simply in terms of why a particular set of  
3 timber management objectives would be selected for this  
4 particular plan.

5 Q. And that's a fairly limited  
6 discussion?

7 A. I think it would be fairly limited.  
8 The point of our separation of these two, the  
9 pre-planning phase and the planning phase, is to allow  
10 for a full and complete elaboration and discussion of  
11 these kinds of issues during that pre-planning phase  
12 and keeping it separate from a plan which we want to  
13 try to keep as simple as possible.

14 Q. Now, if I ask you to look at the  
15 bottom of page 26 and continue on to page 27, can you  
16 confirm for me that there is no mention of non-timber  
17 value objectives, strategies or targets, this is simply  
18 timber you're taking about on these pages?

19 A. I believe that is correct.

20 Q. And in terms of --

21 A. When you say continuing on to 27,  
22 you're referring to 27 and 28 all the way through to  
23 completion of the plan?

24 Q. That's correct. We see a discussion  
25 of timber or silvicultural parameters, we do not see a

1 discussion of non-timber values, non-timber objectives.

2 A. That's correct.

3 Q. And that is during the plan  
4 production phase?

5 A. That's right.

6 MADAM CHAIR: Well, we certainly see an  
7 identification of values in a few different spots, but  
8 you're talking about a discussion of quantifiable  
9 non-timber values?

10 MR. LINDGREN: Correct.

11 Q. Now, Mr. Fry, in terms of the actual  
12 timetable for plan production, I would like to refer to  
13 Exhibited 1273 and perhaps it might be more convenient  
14 to refer to the copy, the hard copy that was filed.

15 Perhaps if -- yes. Now, if I understand  
16 this proposal correctly, Mr. Fry, in terms of plan  
17 preparation and review, the plan production starts  
18 January 1st of the calendar year?

19 MR. FRY: A. That's right.

20 Q. And by your proposal the final plan  
21 will be produced and presented to the Ministry of  
22 Natural Resources by December 1st of the same year?

23 A. Correct.

24 Q. That is an 11-month period?

25 A. Yes.



1 Q. Are you confident that that can be  
2 accomplished within an 11-month period?

3 A. Yes.

4 Q. And turning specifically to the draft  
5 plan, on June 1st we see a draft plan is to be given to  
6 the Ministry, and by July 1st the Ministry will have  
7 reviewed it and provided a list of required  
8 alterations. And again, are you confident that that  
9 activity can occur within the space of one month?

10 A. I am confident that it can. One has  
11 to remember that there is a technical group which  
12 largely consists of Ministry people that have been  
13 named by the district manager to that technical group,  
14 and I would visualize during the plan preparation that  
15 there is going to be considerable discussion back and  
16 forth between those people that are on that technical  
17 group and, in many instances, they may well be  
18 reviewing that plan.

19 So by the time we have a draft plan that  
20 is available to the MNR for their review, I believe  
21 that there would be a lot of knowledge within the  
22 technical group as to what can be expected to be there.

23 And if there had been issues that had  
24 been identified early in the process, that the district  
25 manager may well have been brought in to discuss those

1 issues.

2 Q. And this will be true of the  
3 district, regional and main office level?

4 A. I would say that it would be true  
5 certainly at the district level, and if there remained  
6 to be issues that could not be resolved at the district  
7 level, it may be that a regional person might be  
8 brought in. I don't see a head office person being  
9 brought in in this case.

10 Q. Now, earlier in this hearing we heard  
11 about 45 timber management plans that were due this  
12 past April. Now, if those plans come up for review  
13 again, presumably on June 1st the Ministry would be  
14 presented with 45 draft plans; are they going to be  
15 able to review all of those in the space of one month?

16 A. That's 45 plans across the province.  
17 I am looking at a district right now, and am working in  
18 a district right now where there is two plans that are  
19 coming up for renewal and I feel confident that they  
20 should be able to handle that.

21 Q. And what about 45 coming up at the  
22 same time?

23 A. Myself, from my perspective, I don't  
24 see a problem.

25 MR. MARTEL: Can I ask a question?

1 MR. FRY: Yes.

2 MR. MARTEL: But we're going to stage  
3 these, are we suggesting that all 45 plans would come  
4 due at the same time in one year, or are they not in  
5 fact staggered over a number of years; in other words,  
6 20 one year, 20 the next year and so on down?

7 They weren't all approved at the same  
8 time?

9 MR. FRY: I don't know. I have to take  
10 45 as being the case. I don't know that.

11 MR. LINDREN: It's my understanding, Mr.  
12 Martel, that the evidence suggests that they were all  
13 due for approval on April 1st, so presumably, if  
14 approval is given, approval would be from that date  
15 forward.

16 MR. MARTEL: Yes, but is it the same --  
17 in let's say April 1st, 1990 everything is due, or are  
18 part of them due 1990 and another group 1991 and 1992,  
19 but all of them on a five-year cycle?

20 MR. FREIDIN: I think I might be able to  
21 assist. The evidence was that there are 99 plans that  
22 have to produce every five years.

23 MR. MARTEL: Right.

24 MR. FREIDIN: The way the schedule is  
25 presently set up, there is one year where there is a

1 larger number, I think there's 41 would all have to be  
2 approved as of April the 1st of whatever, some specific  
3 year, and the next year it may be ten, the next year it  
4 may be 20, so it's not an even 20, 20, 20, 20, 20.

5 And so that's something that was  
6 addressed in the Ministry's evidence in Panel 15 when  
7 we talked about a phase-in schedule. I think it's  
8 something which will be discussed by other people, and  
9 I think again at the end of the piece, in terms of  
10 whether that is an appropriate way to go.

11 But right now, yes, there is a gear where  
12 41 plans come up for review across the area of the  
13 undertaking in one year.

14 MR. LINDGREN: Q. Now, Mr. Fry, I  
15 believe yesterday in your evidence you indicated that  
16 your proposal for plan production is very similar to  
17 what the Ministry has proposed but your proposal is  
18 somewhat more streamlined.

19 MR. FRY: A. Yes.

20 Q. Do you recall that testimony?

21 A. Yes.

22 Q. And I found the words 'streamlined'  
23 to be a quite interesting choice, and on that issue I  
24 would like to refer Mr. Innes to Exhibit 940 which is  
25 the report of the Task Force on Forest Management

1 Agreements, and I understand, Mr. Innes, that you were  
2 one of the company authors of this report?

3 MR. INNES: A. That's correct, yes.

4 Q. I would like to ask you one brief  
5 question on a recommendation that relates to management  
6 planning, and this is found at pages 18 and 19 of this  
7 document.

8 Now, at page 18 I see a discussion of  
9 management planning and at the bottom of the page you  
10 will see an identification of the problem, and it's  
11 indicated that:

12 "The management planning has become  
13 excessively complex, time consuming and  
14 when applied solely by the book of  
15 limited value in the minds of some  
16 agreement holders in their management of  
17 the agreement area."

18 And it goes on to indicate:

19 "It is fair to say too that some  
20 agreement holders generally do not place  
21 enough importance on their management  
22 plans, sometimes placing no more effort  
23 than is necessary to meet the bare  
24 requirements of the manual."

25 Stopping right there. I take it that you



1 agree with that statement, you're at least in part  
2 responsible for that statement and, if it is true, can  
3 you advise me how your plan or your proposed planning  
4 process would address that and how will it ensure that  
5 more effort is given to the development of management  
6 plans?

7 MR. INNES: A. Madam Chair, I can  
8 address the issue of reducing the complexity by the way  
9 in which we have structured the plan preparation from  
10 the plan document so we end up with a more readily  
11 understandable database section of the plan and a  
12 simpler plan document in the end which is of greater  
13 relevance to the implementation at the field level, and  
14 also we hope for the public in terms of being able to  
15 understand that and we hope, in that way, that we  
16 reduce the complexity of the planning system from what  
17 it now is.

18 On the issue of time consuming, I'm  
19 afraid I would have to say our proposal is longer than  
20 what the MNR system now is, but we found that necessary  
21 in terms of the additional public input required and we  
22 think there's an opportunity there to make the plan  
23 more relevant by doing that. So we, in effect, traded  
24 off the time angle here for greater relevance in the  
25 plan, in a more carefully prepared plan. We are

1 suggesting that the plan not be prepared "solely by the  
2 book" as it states here, as what we don't want to go  
3 through is a paper exercise, and you may recall my  
4 words when I made the overview presentation to the  
5 Board, that we didn't need "fake plans" and what we  
6 wanted were workable documents.

7 So we are suggesting with the input of  
8 the public, with the local citizens committee and the  
9 enhanced visibility and responsibility of the plan  
10 author that this in fact would make the plan something  
11 which was extremely meaningful and not merely a paper  
12 document in this.

13 Q. Mr. Innes, how will your proposed  
14 planning system ensure agreement holders place more  
15 importance on management plans, that they place more  
16 efforts in terms of development of plans, which  
17 presumably is a problem or issue that you identified in  
18 the context of this document?

19 A. By designing a system which is  
20 relevant and by designing a system in which there is  
21 increased public participation, by raising the degree  
22 of credibility of the plan, and by providing an  
23 independent audit which allows the public to show how  
24 in fact you have reached your targets, if in fact you  
25 have done so, and how you have incorporated the changes

- 1 into the next management planning -- next management  
2 plan coming up, this in fact is going to make it very  
3 much more relevant and I think increase participation  
4 by the agreement holder in this which will probably be  
5 quite significant.

6 MADAM CHAIR: Mr. Lindgren, we are going  
7 to be taking a break shortly.

8 MR. LINDGREN: Shortly as in now, or  
9 shortly as in...

10 MADAM CHAIR: We could do it now.

11 Do you want to --

12 MR. LINDGREN: I'm completely open.

13 MADAM CHAIR: All right. Let's take our  
14 afternoon break now. Thank you.

15 ---Recess taken at 2:45 p.m.

16 ---On resuming at 3:05 p.m.

17 MADAM CHAIR: Please be seated.

18 MR. LINDGREN: Thank you, Madam Chair.

19 Q. Mr. Innes, in your last answer I  
20 think you indicated that by making the planning process  
21 more relevant agreement holders will take their  
22 planning obligations more seriously.

23 I'm wondering if it's your position that  
24 the current planning process is not relevant in some  
25 way?

1 MR. INNES: A. Madam Chair, we spoke to  
2 the fact that the Ministry of Natural Resources  
3 planning process does work and does produce results, in  
4 that respect it must be termed relevant.

5 Madam Chair, I would like to add a bit to  
6 the answer that I was in the process of giving just  
7 prior to the break and I hope that will be responsive  
8 to Mr. Lindgren's question as well here.

9 There has to be a belief by the plan  
10 author that the system works and in fact is relevant in  
11 terms of the question you just asked.

12 And we think we have gone some route in  
13 the planning system which the Industry has put forward  
14 here in terms of making the the system more believable  
15 and, in that respect, more relevant to the plan author  
16 in terms of simplifying the AOC process that the  
17 Ministry has; to recognize values in a way which is  
18 meaningful but also to make it a simpler process to  
19 administrate; to talking to individuals directly,  
20 giving the plan author the responsibility to do that in  
21 order to build a rapport there and in a manner which is  
22 both direct and effective; by having a standing  
23 citizens committee which builds trust with the local  
24 citizenry in terms of the plan being a credible  
25 document; by reducing the amount of documentation that



1 is required, for example, in the road process by  
2 restricting that to areas in which secondary roads  
3 cross values in the case of secondary roads; by  
4 providing a problem solving mechanism through the  
5 integrated resource users committee, so there is a  
6 place you can take your problems to get them solved if  
7 in fact you do have problems; and by, furthermore,  
8 providing a mechanism for guideline changes and  
9 updating so if things don't work at a management unit  
10 level, you have some place to go in order to get  
11 refinements to those or to seek at least some advice as  
12 to how to make these things relevant.

13           The whole thrust of our intent is to  
14 build credibility in the planning process in such a way  
15 that the plan author, irrespective of whether they come  
16 from Industry or the government, believes this is the  
17 simplest process that can be implemented to manage the  
18 timber resource in an effective manner.

19           I may add that it certainly doesn't hurt  
20 in terms of the FMAs to have Industry's fingerprints on  
21 the process as there's been binding by doing.

22           Q. In your answer you indicated that the  
23 intent is to build credibility into the process. Are  
24 you saying that the current process lacks credibility?

25           A. Any process which has had a minimum



1 of involvement in its evolution of other people who are  
2 using it is not starting from a point of high  
3 credibility.

4 Q. So it lacks credibility from the  
5 Industry perspective?

6 A. The Task Force in talking with all  
7 the FMA holders that were there at the time when we  
8 went around and spoke to them gave the Task Force  
9 precisely what you see put forward in the document  
10 which said, in effect, that they thought the process  
11 was cumbersome and questioned the necessity for some of  
12 the steps that were being undertaken.

13 Q. Is it the evidence of this panel that  
14 the current process lacks that kind of credibility?

15 A. Madam Chair, I would say that this  
16 panel in the course of the evidence being given to it  
17 more fully understands the process than what some of  
18 the people did when we spoke to on the Task Force and  
19 also I think you must take recognition of the degree of  
20 change that has gone on in the process from the time  
21 the FMA Task Force was done until the time that we are  
22 now sitting before you.

23 So I think there has been an elevation of  
24 credibility and understanding in terms of the MNR  
25 process and some indication on their part of

1 recognizing of some of the shortcomings. So I would  
2 say the credibility has increased from the point when  
3 the Task Force report was first put out.

4 Q. If I can direct your attention to  
5 recommendation No. 8 that we find on page 19, I would  
6 like to take you through some of the specific planning  
7 recommendations that were made.

8 MADAM CHAIR: Is that page 19?

9 MR. LINDGREN: Page 19, that's correct.

10 MADAM CHAIR: Thank you.

11 MR. LINDGREN: Q. And the first  
12 recommendation is that:

13 "The public consultation process would be  
14 streamlined."

15 And my question to you, Mr. Innes, is  
16 this: Your planning process seems to include an  
17 additional information centre and I think it's your  
18 position, in fact, that the process itself provides  
19 more meaningful, more formalized opportunities for  
20 public input.

21 Is that what you have in mind when you  
22 say streamlined, the public consultation process?

23 MR. INNES: A. That's precisely what we  
24 have in mind, Madam Chair. The forest industry is  
25 desirous of public input into the planning process. We

1 want public input that's fair, that's meaningful,  
2 that's relevant to the plan author and relevant to the  
3 public, and we think the process that we have designed  
4 in fact allows public input to be made in a better  
5 fashion than the MNR process. In this way we think  
6 it's streamlined.

7 Q. So I take it then that this  
8 recommendation is not to be interpreted as meaning that  
9 the public consultation process should be eliminated or  
10 restricted?

11 A. You understand that correctly.

12 Q. The next recommendation indicates  
13 that:

14 "The process should have improved  
15 flexibility and there should be the  
16 addition of a sixth year to the plan and  
17 allowance for implementation in the sixth  
18 year."

19 Is that a proposal that this panel  
20 supports or advocates?

21 A. No. This panel, Madam Chair, has  
22 moved into a position whereby we have rearranged the  
23 timing of the audit and in fact have allowed for a  
24 different timing of the planning process such that the  
25 results of the audit can be incorporated in the

1 preparation of the next plan and, thereby, assist in  
2 the preparation of that plan in a meaningful fashion.

3 The intent of the statement in the Task  
4 Force Report, Madam Chair was to look for a carryover  
5 mechanism so you didn't stop one plan and start the  
6 next plan, and it was a sort of a linking mechanism and  
7 this, in fact, is what we have through the audit  
8 process now.

9 Q. And then turning to the next  
10 recommendation:

11 "Improve the mechanism for allowable cut  
12 calculations and long-term wood supply  
13 modeling."

14 Does your proposed planning process speak  
15 to that recommendation?

16 A. The Industry evidence in the wood  
17 supply panel, I believe, speaks to increased use of  
18 modeling and improved methods of allowable cut  
19 calculations. This panel itself does not directly  
20 address that feature, but it was addressed on behalf of  
21 Industry in whatever panel it was that looked at the  
22 wood supply.

23 Also I believe, Madam Chair, there is  
24 something in our terms and conditions that speaks to  
25 the need for increased use of modeling in the allowable

1 cut calculation.

2 Q. So you have no planning  
3 recommendations that would improve the mechanism for  
4 the AAC or the long-term wood supply modeling?

5 A. The only -- no, that's correct, it's  
6 been handled in another panel rather than as a planning  
7 issue.

8 Q. And finally, the last recommendation  
9 indicates that the plan amendment process should be  
10 streamlined, and I take it Industry agrees with that  
11 and; if so, can you expressly advise me how your  
12 proposal streamlined the plan amendment process?

13 A. Mr. Suomu spoke to that this morning,  
14 I believe, and we talked about trying to classify the  
15 need to classify the different types of amendment, and  
16 we also put a time limit on there in which the district  
17 manager would have to classify, categorize the type of  
18 amendment with the idea of simplifying the process and  
19 also making it happen more quickly in order to avoid  
20 delay. In our mind, that is streamlining.

21 Q. Then the paragraph following the  
22 recommendation indicates that:

23 "Management planning has been and remains  
24 a major issue of contention between MNR  
25 and the agreement holders. It is



1                   essential that the Industry play a strong  
2                   role in developing these and other  
3                   amendments to the management planning  
4                   manual."

5                   Now, in light of your comments about the  
6                   importance of public participation, would you agree  
7                   with me that the public should also play some role in  
8                   determining what the ultimate planning process will be  
9                   in this province?

10                   A. Your question is an interesting one  
11                   because it brings forward the role of the public versus  
12                   the role of government as custodian of the forest  
13                   resource versus the role of the implementor, and if  
14                   I -- let me address it this way, Madam Chair:

15                   The only reason the forest resource is  
16                   managed is because societal goals have to be met,  
17                   otherwise I presume we would leave the forest resource  
18                   as it is or was and make no intervention therein, so  
19                   through management you make intervention in the forest.

20                   And the first step in that is providing a  
21                   mechanism to adequately reflect what societal goals are  
22                   and how they change, and in that respect I would agree  
23                   with Mr. Lindgren's comment that the public should  
24                   participate in the overall planning process because a  
25                   part of that planning process is the identification of

1 societal goals and the development of strategies to  
2 achieve those.

3 Government as the custodian of the forest  
4 resource must translate those societal goals into  
5 strategies and targets, and that is a role that they  
6 play in terms of reflecting what society wants done,  
7 also ensuring that it happens, ensuring that it happens  
8 in a manner which is environmentally acceptable and  
9 socially acceptable and providing a track record of in  
10 fact the work is getting done and progress is being  
11 made.

12 The implementor being the foresters,  
13 biologists, technicians at the ground level are the  
14 ones that are involved in the nitty-gritty process of  
15 this and they are the ones where I see the science  
16 coming from, and they are the ones I see doing the job  
17 on the ground level.

18 So to respond directly to Mr. Lindgren's  
19 question, society should be -- should have a role in  
20 the planning process, the general public, in putting  
21 forward the goals, making sure the strategies are  
22 acceptable, and I think it's a very necessary part of  
23 the overall planning process.

24 Q. My concern is this, Mr. Innes:  
25 Recommendation No. 8 is prefaced by the statement that:

1 "The Ministry of Natural Resources,  
2 following full consultation with the  
3 forest Industry, amend its Timber  
4 Management Planning Manual for Crown  
5 Lands in Ontario."

6 And my question to you earlier was  
7 whether or not, in your view, there is a role for the  
8 public or for other forest users in developing the  
9 planning process; should they or should they not be  
10 excluded, as seems to be implied by that statement?

11 A. Madam Chair, I just indicated I think  
12 the public has a very big role to play in the overall  
13 planning process. If you want to speak directly about  
14 the Timber Management Planning Manual, I do not see  
15 that as a task of the public sitting down to write the  
16 technical methodology of how the timber management  
17 planning process itself will take place in a management  
18 unit.

19 Where we see the public input coming from  
20 is in the tri-level committee structure, in that they  
21 make input to this process and they tell us whether or  
22 not -- on the applicability of the process and they  
23 give us guidance on the targets and levels of  
24 achievement, and they act as scrutineer for the  
25 progress being made.

1 I do not, in my mind, or I do not think  
2 the committee in their mind sees the public as having a  
3 part in the re-writing of Timber Management Planning  
4 Manual because that is a technical exercise under the  
5 Ministry of Natural Resources.

6 And I must add to that, the decision on  
7 what the manual must contain and the process outlined  
8 in there is the responsibility, and the ultimate  
9 authority for that rests with the Ministry of Natural  
10 Resources, neither with the public nor with the forest  
11 industry or the foresters or the biologists that carry  
12 out the work.

13 MADAM CHAIR: Mr. Innes, in your  
14 discussions, whether as part of the Task Force on FMAs  
15 or generally, is it the view of Industry that the  
16 Timber Management Planning Manual is understandable,  
17 that it's the sort of document that can be easily  
18 understood by managers who must follow these many  
19 detailed rules?

20 MR. INNES: Madam Chair, from my  
21 excursions around the province and from talking to the  
22 foresters whom I know, they have difficulty with the  
23 complexity of the manual as it is now constructed.

24 There are many pages to it and the tables  
25 themselves have whole backsides of the table filled out



1 with instructions as to how you fill out the table.

2 MADAM CHAIR: I know, we have been  
3 through the tables, Mr. Innes.

4 MR. INNES: I think you recognize in that  
5 case of that of which I speak. It's becoming a  
6 specialist task, even within the forestry profession  
7 to, unravel the Ministry's planning manual.

8 MR. YOUNG: Madam Chair, if I can add to  
9 that, the Ministry has also embarked on a timber  
10 management planning training session and I personally  
11 took a one-week training session to go through the  
12 management planning process, and specifically the  
13 manual, so it's getting easier to understand, I guess,  
14 as we utilize it and are trained in it.

15 MADAM CHAIR: But it's the sort of  
16 document that you really have to be trained to follow?

17 MR. YOUNG: I think that would be fair,  
18 Madam Chair.

19 MR. LINDGREN: Q. Are you saying, Mr.  
20 Innes, that other forest users will have no interest in  
21 the content or direction of the timber management  
22 planning manual? If they do have an interest, then why  
23 should they be excluded?

24 MR. INNES: A. No, I'm not saying, Madam  
25 Chair, that other users of the forest would not have



1 any interest in the manual, because surely it is the  
2 manual which is the enabling mechanism that allows  
3 plans to be made and the operation to be carried out on  
4 a ground level.

5 But what I'm saying is, it's a technical  
6 exercise to put together a manual and I don't see that  
7 being done by the general public.

8 Q. Perhaps we can move on. Yesterday  
9 there was evidence that a plan author will disregard  
10 public input at his or her peril and there was also a  
11 suggestion that the plan author will be loathe to  
12 prepare a plan that doesn't respond to the public  
13 interest or public viewpoints that have been expressed.  
14 Mr. Munro, was that your evidence?

15 MR. MUNRO: A. No, it's Mr. Fry's.

16 Q. Now, first of all, what did you mean  
17 by public interest and who would be deciding it?

18 MR. FRY: A. In what context?

19 Q. In the context that you used the  
20 sentence or the word. You said that a plan author will  
21 be loathe to prepare a plan if it does not respond to  
22 the public interest, I believe that's what my notes  
23 indicate. I'm wondering what you meant by that?

24 A. I would suggest that if there had  
25 been at some point during the public review, various

1 public review phases input from the general public that  
2 indicated that this was the course of action -- a  
3 particular course of action would not be a particularly  
4 popular one, then the plan author would, as I said,  
5 ignore that at his own peril because I think there's a  
6 certain degree of credibility that the plan author has  
7 to establish and by ignoring public opinion altogether  
8 that credibility will be severely stretched.

9 Q. My notes also indicate that you said,  
10 in my opinion, the Ministry will not approve plans that  
11 oppose the public viewpoints that have been expressed  
12 and, quite frankly, I'm a little puzzled by that. I'm  
13 wondering what experience are you basing that  
14 experience on?

15 A. I can't think of any particular  
16 experience, but I could think -- I could perhaps give  
17 you an example of where it might occur, and it might  
18 occur in an instance where, as a result of discussions  
19 between the plan author and a tourist outfitter, for  
20 example, that would result in a situation where a  
21 road -- road use strategy would result in the closure  
22 of that road of a road that would access that tourist  
23 outfitter's lake, that particular proposal went to the  
24 public at an information centre and there was strong  
25 public opinion expressed that that was not in the

1 interests of the public generally, and yet he went  
2 ahead with that particular prescription or operating  
3 prescription within the plan, that that might create a  
4 situation where the Ministry would not be satisfied  
5 with a resolution of that particular concern.

6 Q. Perhaps we can turn to page 33 of the  
7 witness statement, dealing with guidelines, and I don't  
8 recall who spoke specifically to this issue.

9 MR. YOUNG: A. It would be myself.

10 Q. Mr. Young. And in the third full  
11 paragraph on page --

12 MR. COSMAN: What page?

13 MR. LINDGREN: Q. On page 33, in the  
14 third full paragraph there is an indication that:

15 "Most of the guidelines have only been  
16 finalized over the past two years and  
17 some of them remain in draft form."

18 And you indicated that they should be  
19 considered as interim. Now, in practical terms, what  
20 does regarding them as interim mean?

21 MR. YOUNG: A. Madam Chair, Mr. Innes  
22 spoke somewhat to this matter this morning when he  
23 talked about the guides, the implementation manuals, if  
24 you want to call, are really a transition state, some  
25 of them are -- have been prepared probably upwards of

1 10 years, some are being prepared, some are in draft  
2 form.

3 It's the Industry's position that the  
4 guides and manuals must provide a range of acceptable  
5 practices, and I think with the provision for the  
6 provincial technical committee to review those  
7 guidelines, amend those guidelines, update those  
8 guidelines that at some point all those guidelines will  
9 be reviewed, updated, amended and there would be some  
10 consistency, I think, is probably a good word in those  
11 guidelines.

12 Q. Well, in your evidence yesterday, Mr.  
13 Young, you did say that the guidelines should contain a  
14 range of acceptable practices. And if a particular  
15 prescription is taken from that range of options, that  
16 prescription does not necessarily have to be documented  
17 beyond what we saw in that base map yesterday?

18 A. That is correct.

19 Q. Now, some of the guidelines contain  
20 certain prohibitions; don't they?

21 A. I'm not certain what do you mean by  
22 prohibitions.

23 Q. Well, certain prohibitions on certain  
24 activities in relation to certain values.

25 A. That's correct.



1 Q. And you said that some guidelines  
2 were not prepared for the purpose of providing an  
3 acceptable range of options. Now, were you referring  
4 to the guidelines that contained express prohibitions?

5 A. Yes. There are certain guidelines  
6 that are in place right now, Madam Chair, that provide  
7 very clear, if you want to use, prohibitions of  
8 activities. The example that I can think of is the  
9 guidelines for heron rookeries, it's very clear that  
10 there is certain no activity zones. So there is a set  
11 prescription in those guidelines.

12 Q. Now, is it your position that the  
13 guidelines which contain projects prohibitions like  
14 that, are those the ones that should be revised by the  
15 provincial committee with a view to perhaps getting rid  
16 of the prohibitions?

17 A. No. I think there are going to be  
18 certain guidelines that may only contain prohibitions.  
19 I think we have stated in our evidence that the  
20 provincial technical committee will review all  
21 guidelines on an interim basis. There may be new  
22 scientific knowledge that is gained over the years,  
23 there may be information from the effects or  
24 effectiveness monitoring program that would feed into  
25 modification or amendment of those guidelines.



1                   So, yes, even those guidelines would be  
2   reviewed on an ongoing basis and be modified if there  
3   is new knowledge obtained.

4                   Q. Now, in the same paragraph on page 33  
5   you indicate that:

6                   "The full impact or benefit of the  
7                   application of the guidelines have not  
8                   been evaluated from an operational or  
9                   scientific perspective."

10                  Now, this morning I asked Mr. Innes  
11   whether or not that meant all of the guides, guidelines  
12   and manuals should be subject to effects and  
13   effectiveness monitoring and I believe his answer was  
14   yes. Is that your position as well?

15                  A. I don't believe he said it in so many  
16   words. I think his testimony was that in order for the  
17   guidelines to be adequate they must contain a level of  
18   scientific knowledge, they must consider the  
19   environmental impact of operations on that value, and  
20   they must also look at really the scope of societal  
21   needs and I think those are the three factors that he  
22   mentioned as really the qualifiers on adequate  
23   guidelines.

24                  Q. Now, turning to the second of those  
25   factors, the environmental impacts, I'll ask the

1 question again: In terms of the environmental impacts,  
2 should all of the guides, guidelines and manuals be  
3 subjected to effect and effectiveness monitoring, given  
4 that that kind of analysis has not yet been carried out  
5 for many or most of them?

6 A. We see the results of the effects and  
7 effectiveness monitoring program feeding back to the  
8 technical committee at the provincial level and the  
9 results of those effects/effectiveness monitoring  
10 programs would determine whether there are  
11 modifications, adaptations to those provincial  
12 implementation manuals are necessary.

13 There's a relationship between the  
14 effects and effectiveness monitoring program and the  
15 need to revise those implementation manuals.

16 Q. Now, as I understand the Ministry's  
17 proposed effects and effectiveness monitoring program,  
18 they are going to be looking at the fish guidelines,  
19 the fish habitat guidelines, the moose guidelines and  
20 the deer guidelines.

21 My question to you is: Should the  
22 effects and effectiveness monitoring program be  
23 extended beyond those three guidelines?

24 MR. COSMAN: You mean right away, or at  
25 any...

1 MR. LINDGREN: Q. Well at any time, is  
2 there a need to do it?

3 MR. YOUNG: A. Madam Chair, I'm verging  
4 on whether I'm qualified to judge whether the current  
5 guidelines, other than the fish, moose and deer  
6 guidelines requires effects and effectiveness  
7 monitoring program. I don't know if I can answer that,  
8 Madam Chair.

9 Q. Very well. Perhaps we can look at  
10 the osprey guidelines in particular. This is Exhibit  
11 342. Do you have that exhibit, Mr. Young?

12 A. Yes, I do, Mr. Lindgren.

13 Q. And can I ask you to turn to page 9  
14 in this document. Now, at page 9 we see that there is  
15 an absolute buffer zone of 200 metres around osprey  
16 nests, and on the next page we see heavy development  
17 buffer zone between 600 and 800 metres around a nest.

18 And essentially this buffer zone would  
19 prohibit road building and logging; is that correct?

20 A. The 200-metre absolute buffer would,  
21 the additional 600 metre or in total 800-metre zone  
22 would prohibit road building -- road construction, but  
23 it would allow for selective logging during certain  
24 periods of time.

25 In other words, in southern Ontario or

1 northern Ontario, depending on the case, from September  
2 the 2nd to the 14th there would be some limited  
3 selective timber harvesting activities allowed in that  
4 zone as indicated on the top of page 12.

5 Q. Now, I take it when you're  
6 recommending that the guidelines be reviewed, so that  
7 they -- reviewed and revised so that they provide a  
8 range of options, you're not advocating the removal of  
9 prohibitions such as that?

10 A. No, I think it comes back to the  
11 level of scientific knowledge, and when I reviewed  
12 these guidelines I would see that they are prepared in  
13 1983 with a lot of reference, Madam Chair, to a lot of  
14 what I would probably consider technical experts, a  
15 very wide range of experts not only in Ontario but  
16 probably world-wide on osprey.

17 And I had the feeling that these  
18 guidelines were prepared with the best technical  
19 knowledge at the time and I would see that these  
20 guidelines would be reviewed by the provincial  
21 technical committee on an ongoing basis, regular basis,  
22 or when new knowledge came available.

23 So that's the way we have proposed it.

24 Q. Now, turning specifically to the  
25 absolute buffer of 200 metres, I take it that you would

1 I agree with me that that does not give a plan author a  
2 range of options in terms of timber management  
3 planning?

4 A. In the guidelines, the osprey  
5 guidelines before me, that's correct.

6 Q. And, Mr. Munro - I will return to  
7 you, Mr. Young, in a moment - but, Mr. Munro, yesterday  
8 you referred to compliance monitoring in order to see  
9 if prescriptions based on the guidelines were in fact  
10 carried out or complied with in the field.

11 And sticking with the example of osprey  
12 nests, there is evidence in Industry Panel 6 from Mr.  
13 MacKay that he once encountered an osprey nest during  
14 the cutting of a road right-of-way and he marked a  
15 50-foot by 50-foot area and then came back in three and  
16 a half months and cut all the surrounding trees and  
17 left the nest tree only.

18 MR. LINDGREN: And the reference, Madam  
19 Chair, is Volume 194 of the transcript, page 34348.

20 Q. My question, Mr. Munro, is simply  
21 this: Assuming those facts are true, that's what  
22 occurred in that case, would you agree that that would  
23 appear to be a violation of the osprey guideline?

24 MR. MUNRO: A. I guess my first question  
25 would be in, what year did it occur? I see these



1 : guidelines came into place in June of 1983. I guess I  
2 would have to know more detail in terms of what...

3 Q. Well, I think the evidence was clear  
4 that it occurred post-1983, but assuming that it e

5 MR. FREIDIN: No, no, it was not --

6 MR. COSMAN: 1982.

7 MR. LINDGREN: Well, which is leading me  
8 to my hypothetical.

9 Q. Assuming it occurred after 1983--

10 MR. FREIDIN: It did not.

11 MR. LINDGREN: Q. --would that be a  
12 violation?

13 MR. MUNRO: A. I do have some personal  
14 involvement with these guidelines in the sense that we  
15 just recently have identified an osprey value in an  
16 area that we were planning on cutting and building a  
17 road in, and the guidelines are being applied as we see  
18 here.

19 I would think if - the individual's name,  
20 did you say, Mr. MacKay - if he would have had the  
21 guidelines at that time and had indicated that there  
22 was some special protection afforded in terms of an  
23 absolute buffer zone, that he would have at that time,  
24 the same as our company has done in the most recent  
25 months, applied the guidelines.

1 I don't think you can apply a guideline  
2 to provide a protection if it wasn't available to you.

3 Q. That's not the concern, Mr. Munro.  
4 The concern is this: Under your proposed planning  
5 system is there a sanction or a penalty or some sort of  
6 consequence involved where a prescription is not  
7 complied with in the field?

8 A. We are regulated under the Crown  
9 Timber Act and several other acts and if a violation  
10 occurs then we are subject to the regulation as per  
11 those acts.

12 I couldn't tell you offhand which  
13 particular act would apply to the osprey situation,  
14 since I have not been in a situation where I have  
15 violated a guideline.

16 Q. Well, the question was: In your  
17 planning process are there any implications associated  
18 with non-compliance with a prescription?

19 A. Madam Chair, Mr. Martel, the  
20 non-compliance would be part of or would be indicated  
21 as part of the Ministry of Natural Resources compliance  
22 program and it would be highlighted that there was  
23 non-compliance.

24 This would be available to the public in  
25 terms of background information, and the public,

1 technical advisors, the general public as a whole could  
2 certainly express concern about the non-compliance and  
3 recommend that perhaps a larger buffer zone be  
4 established, or perhaps that individuals go out and  
5 ensure that the absolute zone is marked in.

6 In terms of, if you violated, what  
7 happens again, I'd have to rely on the regulations that  
8 are in place.

9 Q. I'm just wondering what the planning  
10 implications were for non-compliance and I think that  
11 you've touched on that.

12 A. The real problem with non-compliance  
13 comes with credibility. If you're going to have public  
14 trust, public input and participation you have to  
15 ensure that to the degree possible there is  
16 non-compliance, that's how you establish trust.

17 MR. MARTEL: If you were to plan very  
18 deliberately -- if some one were to plan very --  
19 ignoring that the warning is there, the osprey is  
20 there, and you say you would express your concern -- or  
21 the group could express their concern to a plan author,  
22 is that as far as it goes, I mean if someone --

23 MR. MUNRO: You mean in terms of our  
24 particular company?

25 MR. MARTEL: Any company. I don't want

1 to --

2 MR. MUNRO: I would think that if  
3 somebody deliberately planned to violate a guideline,  
4 it would be certainly something that the company  
5 wouldn't support, and I would suggest if it was a  
6 contractor, that contractor would probably not be  
7 working for us, and if it was an employee - as Mr.  
8 Innes indicated - there would be some repercussions  
9 within the company. We cannot have people deliberately  
10 violating guidelines.

11 MR. COSMAN: Madam Chair, there's a  
12 certain legal component to that and, of course, it is  
13 always open to the Ministry to refuse any company the  
14 right -- renewal at the end of the five-year period if  
15 there are violations of the plan.

16 MADAM CHAIR: Would it be the practice of  
17 your company, Mr. Munro, in the instance of accidental  
18 violations or violations that came to the attention of  
19 the company, would you inform the MNR at that point,  
20 your counterpart, the person you deal with at MNR,  
21 rather than waiting to be audited or waiting for that  
22 information to come out in a five-year review?

23 MR. MUNRO: It has been our practice  
24 -- whenever we have determined that we have violated;  
25 i.e., a reserve or a particular approved operation,

1 then we inform the MNR panel. In some cases they find  
2 it before we do; in every case when we find it first,  
3 we inform them.

4 MR. LINDGREN: Q. Would you agree with  
5 me, Mr. Munro, that the mere fact that a prescription  
6 might be coloured in on your base map, that fact in and  
7 itself does not mean that the value is actually  
8 protected or even that the prescription will be  
9 followed on the ground. Would you agree with that  
10 general statement?

11 MR. MUNRO: A. Are you speaking to the  
12 absolute buffer zone or are we talking --

13 Q. I'm talking more generally about  
14 compliance with guidelines and prescriptions based on  
15 guidelines.

16 A. I have to ask for some clarification.  
17 Are you asking if a guideline is used and a  
18 prescription is applied consistent with the guidelines,  
19 does it in fact protect the value?

20 Q. Well, I'm thinking of your base map  
21 and perhaps it might be appropriate to put that up,  
22 because I have a series of questions on it.

23 If I understand your testimony, Mr.  
24 Munro, when I walk into an information centre I'm  
25 wondering what's being done to protect non-timber



1 values, I'm going to see nicely coloured maps like  
2 that?

3 MR. MUNRO: A. That's correct.

4 Q. But I think that you have indicated  
5 there can be non-compliance with the prescription?

6 A. Are you indicating that we would plan  
7 for non-compliance?

8 Q. No, I'm not suggesting that you would  
9 plan for it, but I'm suggesting that the mere fact that  
10 your prescription that's coloured in on a map, that  
11 doesn't mean there is going to be actual protection,  
12 even if it's followed, and it doesn't mean  
13 that it will be followed.

14 The reason I put the question that way,  
15 Mr. Munro -- perhaps I can short circuit this a bit.  
16 When you are planning to protect non-timber values you  
17 have to -- that planning must be accompanied by  
18 auditing and monitoring; correct?

19 A. I would agree with that.

20 Q. And if there is no documentation or  
21 no detailed documentation relating to the prescription  
22 or its rationale, how will that audit or the monitoring  
23 determine if the prescription has been effective in  
24 protecting the value in question?

25 A. I think you are asking two questions,

1 and the first question - correct me if I'm wrong here -  
2 is how would one ensure that the prescription is  
3 actually identified, and that you could go monitor it  
4 at a later date.

5 Q. Well, I'm thinking of the  
6 effectiveness of that prescription unless the rationale  
7 for that prescription is documented.

8 A. I think your first question dealt  
9 with how we would ensure compliance with the  
10 prescription; correct?

11 Q. No. Perhaps I can just rephrase the  
12 question. If there is no documentation of the  
13 prescription or its rationale--

14 A. Okay.

15 Q. --and we just go to the base map and  
16 we see a coloured area, how does that assist us in  
17 determining whether or not that prescription was  
18 effective?

19 A. Madam Chair, Mr. Martel, I would say  
20 that there is documentation for the prescription and  
21 it's identified on the map, the value is identified, a  
22 detailed prescription is identified, the rationale for  
23 the selection of that preferred prescription is that  
24 it's consistent with the level of acceptable practices  
25 within guidelines.

1                   We have in our proposal made a provision  
2       for, if it's not within the terms of the guidelines it  
3       has to be identified, deviation reporting; if there is  
4       no guideline to protect a value, it has to be reported  
5       as such and highlighted in the plan; and if there is a  
6       public concern at the draft plan stage, it also has to  
7       be highlighted, therefore, it's documented, justified  
8       in a true sense.

9                   Q. Well, Mr. Munro, perhaps we can spend  
10      a few minutes discussing your enhanced planning  
11      process. And Mr. Innes this morning described it as a  
12      home-grown proposal, and I take it this proposal has  
13      not been field tested anywhere in Ontario? It's very  
14      much a proposal, or at the proposal stage.

15                  A. As these are an entire package.

16                  Q. Okay. And you have offered several  
17      reasons why Industry believes that the Ministry's AOC  
18      planning process should be replaced by the enhanced  
19      planning process. And if I could summarize your  
20      evidence, you said that the Ministry's AOC process  
21      results in too much paperwork, it's time consuming and  
22      it's not easily understood by the public.

23                  Now, I think you've also indicated, as  
24      you understand the process, the Ministry's AOC planning  
25      process would require that every value be identified

1 and be subjected to environmental analysis and  
2 documentation of that analysis?

3 A. That is correct.

4 Q. And you said that would be wasteful  
5 and unnecessary in some circumstances, and I think you  
6 characterised that as overprotection of a value.

7 A. No, I wouldn't classify that as  
8 overprotection; that I would classify that as over  
9 documentation.

10 Q. Does over documentation result in any  
11 harm to the value that you're trying to protect?

12 A. It does not result in any harm to the  
13 value we are trying to protect, nor does it afford any  
14 more protection to it or any enhancement to it.

15 Q. Now, Mr. Innes and Mr. Young just  
16 discussed the state or status of the guidelines, and it  
17 has been indicated that very few of them have been  
18 subjected to scientific analysis.

19 I would suggest to you that there is a  
20 certain level of uncertainty about those guidelines,  
21 and I think that uncertainty has been addressed by your  
22 witnesses, and if there is uncertainty, isn't it  
23 prudent to require that kind of overprotection for  
24 certain values where there is uncertainty as to the  
25 content of the guidelines?

1                   A. In terms of the uncertainty of  
2 guidelines, our proposal is that there be a technical  
3 committee established to look into that.

4                   That's not to say that all guidelines  
5 would instantaneously receive some kind of scientific  
6 review, but the ones that are important and have a  
7 major impact on timber operations would be reviewed.

8                   MR. MARTEL: Can I ask a question. At  
9 what stage, when you identify the various items and  
10 through the process you eliminate them, say: Well, it  
11 doesn't need to be documented and a prescription  
12 applied.

13                   Is it your intention to keep a record at  
14 least of the things that you didn't write prescriptions  
15 for but in fact you know have been considered by the  
16 citizens committee or the technical team that is doing  
17 the actual plan?

18                   In other words, so something doesn't get  
19 lost in the shuffle, if I can use that term. I'm not  
20 suggesting a lengthy description or anything, but the  
21 various items that have been considered, it's been  
22 decided we don't have to do anything with those, is it  
23 your intention to keep a list of those so that people  
24 can refer to them, if need be?

25                   MR. MUNRO: Well, what we would have is a



1 set of guidelines which would outline a range of  
2 acceptable practices and considerations. That would be  
3 the documentation, Mr. Martel. This is the range that  
4 is provided, given the location of the value, the  
5 planned activities within that range, and if you want  
6 to know what that range is, here's the guideline.

7 MR. MARTEL: No, but you see, the public  
8 is going to come in and they are going to see, let's  
9 say, that number on the map.

10 MR. MUNRO: Okay.

11 MR. MARTEL: But they say to themselves:  
12 Well, I know of something else somewhere down the road,  
13 have you considered it. And so the paper shuffle is  
14 going to start. To tell the public, yes, we looked at  
15 that, our committee, we looked at it and we went over  
16 it, and I think someone said we might have a thousand  
17 of these over an area.

18 How can the public be sure that you  
19 looked at the thousand, I mean, eliminated them early  
20 in the game as not requiring some form of protection or  
21 prescription? How do you intend to keep track of that  
22 so as to -- so the public feels comfortable that in  
23 fact you have reviewed them all and we narrowed it down  
24 to this group that needed a prescription.

25 MR. MUNRO: All values, Mr. Martel, need

1 a prescription. We're not eliminating values, we're  
2 not eliminating prescriptions, but what we're doing is  
3 saying all values need a prescription, the range of  
4 prescriptions that are available through the plan  
5 author and technical expertise is within the  
6 guidelines, they have been scientifically reviewed,  
7 they are environmentally acceptable and they do reflect  
8 society needs.

9 That range that is established is the  
10 best science that we have available today.

11 MR. INNES: I think --

12 MR. MARTEL: But you're missing my point  
13 totally, because you see what worries me is the public  
14 doesn't know all the guidelines and whether it's a  
15 prescription or whether it's adequate and all this.

16 The public knows that out there the  
17 various groups that have come together, they know that  
18 there's a moose pasture here, and they know that and  
19 they are concerned about as a salt lick and a whole  
20 series of things.

21 MR. MUNRO: Yes.

22 MR. MARTEL: For the public to know that  
23 you in fact have looked at each one of them, how are  
24 you going to report that to the public? Are you  
25 simply -- do you think you're going to be able to

1 convince the public by saying: Oh, don't worry, we  
2 looked at that, because they are not going to buy it.  
3 You're going to have to indicate - it might only be a  
4 list of the items you looked at, but I would find it  
5 difficult to believe that you're going to be able to  
6 convince the public that they have all been looked at  
7 if you don't have -- if you haven't kept an itemized  
8 account of the things you've looked at.

9 I'm not saying prescriptions, but that  
10 you have looked at them, otherwise they are going to  
11 say: Well, they're not even identified, and what are  
12 you going to say to them?

13 MR. MUNRO: That is a really interesting  
14 point, Mr. Martel, and we would identify the values  
15 that have in fact been looked and planned for on the  
16 values map and we see the values map --

17 MR. MARTEL: Let's stop right there, I'm  
18 not saying planned for, because planned for is this  
19 sort of thing; isn't it?

20 MR. MUNRO: Right, the map.

21 MR. MARTEL: I'm taking about, you're  
22 going to get a thousand items on a values map.

23 MR. MUNRO: I would think at least.

24 MR. INNES: All the values, sir, are  
25 recognized, all values are put on a map, all values

1 will have a prescription on the map. The only  
2 difference we are talking about is not having a  
3 separate sheet of paper for each value which is in a  
4 binder somewhere with the alternatives outlined in the  
5 guidelines with it.

6 So each value, be it a thousand, be it  
7 1,200, whatever is required, does appear on a map  
8 exactly the same, sir, as that right there and each one  
9 of the prescriptions on it, so the public can say:  
10 Hey, you missed one or, yes, you've got one.

11 MR. MARTEL: Okay, that explains it.

12 MR. YOUNG: Mr. Martel, I would also add  
13 that in some cases the prescriptions in certain values  
14 would be developed utilizing the guidelines and direct  
15 dialogue with the person that has that value.

16 An example on this map is an outpost  
17 camp, we would utilize the guidelines and dialogue with  
18 that outfitter and come up with a prescription so he  
19 would have had input into developing that prescription.

20 MR. MUNRO: Just so I make sure we get  
21 our point here, is that this is what we classify as our  
22 operating map. There is another map which we didn't  
23 present to you. Because MNR presented it in their  
24 evidence. Called a values map which is on a much larger  
25 scale -- or smaller scale and it identifies all of



1 : those values, and that is put together by the plan  
2 author, the district manager and the advisory  
3 committees and that's how, Mr. Martel, they ensure that  
4 we look at their value.

5 MR. MARTEL: Okay, thank you. Thank you  
6 for that explanation.

7 MR. INNES: Sir, just one last comment.  
8 It all has to be open, it all has to be visible, there  
9 has to be a paper trail which we call a map and it must  
10 be that way.

11 MR. MARTEL: Okay, I appreciate that.

12 MR. LINDGREN: Q. Mr. Munro, I take it  
13 that you would agree with me that in general timber  
14 management activities around non-timber values should  
15 be carefully planned, carefully implemented?

16 MR. MUNRO: A. I would agree with that.

17 Q. But would it be fair to say that if  
18 your proposal is accepted you, in effect, will be  
19 speeding up the planning process by dropping the number  
20 and extent of details and documentations that would be  
21 required?

22 A. Madam Chair, Mr. Martel, I would say  
23 that the detail and the extent will be placed on those  
24 values where there is a true area of concern; and where  
25 there isn't, guidelines will be applied and it will be



1 a routine type application and we'll be able to  
2 concentrate on those areas where a value is of a  
3 concern to an individual. Detailed documentation would  
4 start at that time.

5 It is certainly not our intent to limit  
6 the detail on any value if individuals have a concern  
7 regarding the plan activity to protect that value.

8 Q. But if you have a value and no  
9 particular individual has expressed a concern about it,  
10 I take it that value will show up as being an area of  
11 normal operations?

12 A. It will show up as being a value that  
13 has been identified, it's a recognized value and that  
14 guidelines have been applied to protect that value; if  
15 the guidelines have not been applied, it will show up  
16 as a deviation; or if there is no guideline to protect  
17 the value, it will also show up and be highlighted in  
18 the plan.

19 Q. So if you have a value and you have a  
20 guideline, all that the public will see when they come  
21 into the open house or information session is your map,  
22 your coloured map; correct?

23 A. In addition to the coloured map they  
24 will see the guidelines will be there and available for  
25 their perusal, they will have available to them a

1 number of technical experts and the plan author to go  
2 over the map with them and explain in some detail how  
3 the prescription was developed in terms of application  
4 of the guidelines, there will be a number of places  
5 where they can go and people that they can talk to to  
6 explain the process.

7 Q. Well, Mr. Munro, perhaps I can finish  
8 on this point. When a member of the public walks in  
9 and looks at your map and looks at that value or those  
10 values, he's not going to be able to see any  
11 documentation on the rationale or on the reason why a  
12 particular prescription was selected?

13 He 's not going to see any documentation  
14 on the rationale; is he?

15 A. The documentation on the rationale  
16 will be that we have an acceptable range of practices  
17 within a guideline and that has been applied, period.

18 Q. But there's no documentation to allow  
19 him to look at the guidelines and say -- and determine  
20 where a particular prescription was pulled out of that  
21 guideline and applied in this case?

22 A. As I stated, the rationale would be  
23 that the guidelines were applied. If the guidelines  
24 were not applied, it would certainly be highlighted.  
25 So it's six of one and a half dozen of the other, in

1 some senses.

2 I think it's important that the public be  
3 able to focus on values and planned activity where they  
4 have a concern and deal with the plan author to address  
5 their concern, instead of looking at a number of values  
6 with lengthy documentation which they are not really  
7 concerned about, and as we indicated as a panel this  
8 morning, it's been our experience as being at  
9 information centres that the supplementary  
10 documentation which is one page highlighting the value  
11 and the planned activity is seldom ever looked at and  
12 really what the key is is to show the prescription on  
13 the map and have individuals express their concern,  
14 then you get into detailed planning in order to address  
15 their concern.

16 Q. But to return briefly to that  
17 situation, the plan author is not required to produce  
18 any documentation on the rationale for a particular  
19 prescription; is that correct?

20 A. He's compelled -- he or she is  
21 compelled to operate within the guidelines.

22 Q. That's not the question. The  
23 question is: He's not or she's not required to produce  
24 any documentation on why a particular prescription was  
25 selected for a particular value?

1           A. Mr. Lindgren, if documentation is:

2       Yes, I used the guidelines; yes, the plan author would  
3       do that.

4           Q. Where and in what document do we find  
5       a statement by the plan author that these are the  
6       guidelines, this is the range of options, this is what  
7       I picked and this is why?

8           A. What you would find is: Here are the  
9       guidelines that are being used to protect a value. You  
10      can rest assured wherever I deviated from those  
11      guidelines I will highlight it and identify it;  
12      anywhere else you can assume that we used the  
13      guidelines.

14          MR. MARTEL: Is it not true though that  
15      the guidelines then will have to be well understood by  
16      the public?

17          MR. MUNRO: Absolutely, Mr. Martel, and  
18      that's why we spend a year on background information,  
19      integrated resource database, educating and ensuring  
20      that the public understand and interested individuals  
21      understand that we do have guidelines, that we do have  
22      a process in place that allows for their early input  
23      into the process to identify their concern, help assist  
24      the plan author to put together a values map.

25          And we have spent a considerable amount



1 of time in terms of ensuring that the pre-planning is  
2 all done up front, and when that is done the plan  
3 author is in a position to go and talk to individuals  
4 directly and technical experts in terms of planning the  
5 activity within the context of what occurred in the  
6 pre-planning component. It's a very important point.

7 MR. MARTEL: I hate to pursue this, but  
8 the general public -- I mean, the people who are  
9 involved directly, you know, citizens committee and so  
10 on they will understand it because they will have had  
11 the benefit of people reviewing it with them; but the  
12 general public who might come to an open house, they  
13 will have somewhat more difficulty because they will  
14 not have familiarity with all of the variety of  
15 guidelines that are available?

16 MR. MUNRO: Mr. Martel, you are correct,  
17 and by establishing the various advisory committees we  
18 feel we are providing an informal process where  
19 individuals in communities know who's serving on those  
20 advisory committees and can rely upon those individuals  
21 to provide some information to them, or at least  
22 acquaint them with how the process is going, what  
23 guidelines are being used.

24 And we're dealing with small communities,  
25 we're dealing with people that know each other



1 intimately and we think that's a valuable tool in order  
2 to get that information portrayed. We're not -- I'm  
3 not sure how else you can do that in an effective  
4 manner.

5 MR. INNES: I guess it boils down to,  
6 sir, one way saying: What would you rather see as a  
7 member of the public a dot on map as a No. 13, or would  
8 you rather see something that says: Heron nest and  
9 here's a prescription for it that allows me as an  
10 interested public to say: Where did you get that from,  
11 that prescription?

12 You say: Well, it's part of these  
13 guidelines right over here, would you like to take a  
14 look at these things. It provides an opening for  
15 discussion; No. 13 doesn't provide an opening for  
16 discussion.

17 MR. LINDGREN: Madam Chair, were you  
18 intending to rise at four?

19 MADAM CHAIR: Yes, Mr. Lindgren.

20 MR. LINDGREN: Well, I think it's fair to  
21 say that this is an issue of considerable concern for  
22 our clients and I feel compelled to revisit it tomorrow  
23 morning.

24 I can advise I will spend probably 20 or  
25 30 more minutes on this subject matter, and in fact

1 concluding my cross-examination.

2 MADAM CHAIR: All right. Fine, Mr.  
3 Lindgren.

4 I understand Ms. Kleer will be following  
5 you and she is prepared for tomorrow morning?

6 MR. LINDGREN: That's correct.

7 MR. COSMAN: Madam Chair, Ms. Kleer  
8 informed me - I don't think she's here now - that she  
9 would be roughly half a day, and then I believe, are  
10 the Ontario Metis still going to be cross-examining, do  
11 you know, because they were -- I don't know where they  
12 fit in in the arrangement that my friends made for  
13 cross-examination.

14 MADAM CHAIR: Yes, Ms. Devaul?

15 MS. DEVAUL: They informed me that they  
16 would be cross-examining after Ministry of Natural  
17 Resources and before Ministry of the Environment, which  
18 I believe is the position they were in the last time  
19 they cross-examined.

20 MR. FREIDIN: If that is what they want,  
21 Madam Chair, then we will have to have resubmissions on  
22 that. I can advise you that I intend to bring before  
23 the Board - now that it's been raised - the order of  
24 cross-examination as determined by the Board in an  
25 earlier order. I intend to do that by way of a formal

1 motion returnable on the first day that we return in  
2 August, and I intend to raise that matter, not only in  
3 relation to the later panels, but also this very panel.

4 Certain information has come to my  
5 attention by way of case law that was not brought  
6 before the Board before. I think the Board should have  
7 the opportunity to review that and I am going to ask  
8 the Board to reconsider the order of cross-examination.

9 But to deal with OMAA going after the  
10 Ministry of Natural Resources that, in my view, is  
11 contrary to the order that has already been made, and I  
12 would have to rise and indicate that that would not be  
13 satisfactory to the Ministry without the opportunity to  
14 make further submissions.

15 MR. COSMAN: I just wanted to ensure,  
16 Madam Chair, that there is going to be someone here  
17 tomorrow afternoon so we don't lose half a day, that's  
18 all.

19 MADAM CHAIR: Yes. Well, I think that  
20 Mr. Hanna follows Ms. Kleer, and I assume Mr. Hanna  
21 will be here tomorrow.

22 MS. SEABORN: Madam Chair, with respect  
23 to Mr. Freidin's proposed motion, if he is intending on  
24 asking the Board for some sort of relief that is going  
25 to affect the order of cross-examination for Panel 10,

1 I suggest that the first day back after the summer  
2 break may be too late. I'm intending on  
3 cross-examining in our normal position in relation to  
4 Panel 10.

5 MR. FREIDIN: Well, Madam Chair, I would  
6 ask for your direction on that. This is a matter of  
7 interest I think only between the Ministry of  
8 Environment and the Ministry of Natural Resources.

9 If you feel that this motion should be  
10 brought this week, and if that's what my friend wants,  
11 there is not going to be a lot new other than the  
12 couple of cases that I have referred to. I have  
13 already given copies of those cases to my friends.  
14 They would have reviewed them, I have discussed the  
15 matter with them.

16 It appears that the matter is going to  
17 have to be brought before the Board again, I don't  
18 think there is any prejudice to argue this matter on  
19 Thursday, if that's what she wants and I'm quite  
20 content to do that.

21 But I do feel that these cases and the  
22 principles in them are exceedingly important to bring  
23 before the Board in order for the Board to reconsider  
24 the order of cross-examination that it has outlined  
25 before.

1 I'm in my friends hand. I can argue it  
2 tomorrow, if she wants.

3 MADAM CHAIR: Ms. Devaul, can you tell me  
4 which days the OMAA people are coming to Toronto, they  
5 travel after all from Sault Ste. Marie?

6 MS. DEVAUL: Yes. They are not available  
7 until the 14th of August.

8 MADAM CHAIR: Well, it's not a problem  
9 for this week then, Mr. Freidin.

10 MS. DEVAUL: Because they are a small  
11 party that doesn't cross-examine on a regular basis,  
12 when I spoke this week with a representative of the  
13 OMAA, this afternoon I indicated that I would talk to  
14 Mr. Freidin, although Chris Reid mentioned that he  
15 already spoke Mr. Freidin about cross-examination of  
16 Panel 10 and that, you know, I would put it to Mr.  
17 Freidin if OMAA could cross-examine on the 14th of  
18 August instead of the 13th.

19 There is always the possibility that the  
20 Federation of Anglers & Hunters would not be finished  
21 on the 13th of August, but that doesn't leave OMAA much  
22 choice.

23 MADAM CHAIR: Well, where does it leave  
24 us this week? We've got --

25 MS. DEVAUL: I believe the Federation of



1 Anglers & Hunters switched with Nishnawbe-Aski Nation  
2 cross-examination. I believe that Mr. Hanna would, if  
3 NAN finishes tomorrow afternoon, would be required to  
4 go ahead. They have indicated two days  
5 cross-examination. Mr. Hanna hasn't mentioned that it  
6 would be less or more.

7 MR. COSMAN: He mentioned one day to me.

8 MADAM CHAIR: And how long is Ms. Kleer's  
9 cross-examination going to be?

10 MR. COSMAN: Half a day she advised.

11 MS. DEVAUL: Half a day to three quarters  
12 of day, but I think that -- I just spoke with her  
13 earlier, there is a possibility she will finish in a  
14 half day.

15 MADAM CHAIR: Well, if you can get in  
16 touch with Mr. Hanna this evening, please, Ms. Devaul,  
17 tell him to be here and ready to go on tomorrow  
18 afternoon, possibly late in the day.

19 I don't think this problem of  
20 cross-examination will concern us this week, Mr.  
21 Freidin, and we will hear submissions about it first  
22 day back in August.

23 MS. SEABORN: My concern was that if Mr.  
24 Hanna for some reason finishes on Thursday of this  
25 week, then the following Monday when we come back we

1     ...would be on to OMAAS and I would assume then we would  
2     be following on with MNR and then myself, following  
3     that.

4                 If Mr. Freidin's intending on bringing an  
5     application where he's asking the Board for some relief  
6     to change that order, I don't want to lose any hearing  
7     time and I have been operating under the assumption  
8     that I would be cross-examining last, and I just don't  
9     want to be in a position in August where --

10                MADAM CHAIR: The first day we're coming  
11     back, aren't we hearing from --

12                MS. SEABORN: I believe we are continuing  
13     with Panel 10 on the 13th.

14                MR. MARTEL: You want relief on this  
15     panel, Mr. Freidin?

16                MADAM CHAIR: He doesn't know yet.

17                MR. MARTEL: Or down the road?

18                MR. FREIDIN: Both. And if I might just  
19     address what my friend is saying, you know, we've got  
20     between now and August the 14th, or whenever we come  
21     back and with respect, Ms. Seaborn, can be just as  
22     ready to go before the Ministry, if that is what the  
23     Boards rules, as after the Ministry.

24                I mean, she can prepare over the summer  
25     just like all the rest of us, and I don't see that the

1 fact that we may have to argue this matter on the first  
2 day back should really affect her ability.

3 MR. MARTEL: It's at four o'clock at  
4 night we argue these legal procedures.

5 MR. FREIDIN: That's right. That's fine.

6 MADAM CHAIR: Well, I think I would like  
7 to get a clear idea from the OMAA people about why they  
8 want to switch days with Mr. Freidin, is it simply that  
9 the 14th is the day they're coming to Toronto, is there  
10 something peculiar about the order of cross-examination  
11 to them?

12 I mean, if it's a matter of accommodating  
13 a time, I have no idea what this problem is, so could  
14 you take care of that, Ms. Devaul.

15 And the Board will let you know tomorrow  
16 when we will set a time to hear the submissions about  
17 the order of cross-examination.

18 MR. COSMAN: Madam Chair, just one other  
19 matter completely separate from that which has been  
20 discussed today, and perhaps Mr. Lindgren can relax, he  
21 can sit down, he's been standing all afternoon.

22 I raised a day ago the fact that we had  
23 received a letter, a rather curious letter, indicating  
24 that a matter of a Dr. Pearce was to be brought before  
25 the Board, no information as to what it was about or

1 the nature of the application, was Board being asked to  
2 make some order, because obviously this being a public  
3 hearing and this being a public Board, we're not  
4 getting together for a chitchat, there has obviously  
5 got to be a purpose for it.

6 We have been talking about everything in  
7 the open and everything visible. To date, I haven't  
8 got the foggiest, I don't know how I'm even going to be  
9 able to get instructions as to what this is, as to what  
10 this is all about, what relief is being asked for.

11 The Board rules make provision that if a  
12 party wants to bring a matter before the Board for a  
13 decision or a ruling they can do so.

14 My request to you is in the absence of  
15 any information, in fact notwithstanding a direction  
16 from you, not being in a position to deal with it and I  
17 would request that that matter be deferred and that a  
18 further direction be made by the Board asking that  
19 whatever it is that is being sought from this Board by  
20 way of relief or order be the subject of a formal  
21 letter at least, if not an application, so that I can  
22 then take up the matter, get instructions and determine  
23 what position to bring before the Board.

24 Otherwise we are going to sit around  
25 tomorrow afternoon, while some of the parties including

1 - myself haven't got the foggiest as to what it's all  
2 about, before we start, other than the fact that it's  
3 about Dr. Pearce.

4 This is unfair, it's unfair to the Board  
5 because this is something that is going to have to be  
6 dealt with in two stages. it's unfair to my clients  
7 who will not have a chance to consider it.

8 So I would ask that that matter be  
9 deferred, and it to be perhaps at the end of the day on  
10 the first day back along with the other procedural  
11 ruling, if that's what the parties want, otherwise on  
12 another day.

13 But it is extremely unfair to put a party  
14 -which is a tremendous amount involved in this hearing  
15 in a position where we don't know what we're responding  
16 to and can't get instructions.

17 MADAM CHAIR: Well, my understanding  
18 tomorrow night is that this isn't a formal motion, and  
19 that's all I can take from Ms. Swenarchuk's letter.

20 MR. COSMAN: Then I would object to a  
21 party wanting to get together with for a chitchat with  
22 the Board about something.

23 I mean, this is not a tea party, and if  
24 there is something that is being sought, if it's  
25 relevant to the hearing, let's put all the parties - I



1 - can't surprise, take my friends by surprise: I think,  
2 by the way, Madam Chair, I would like to deal with a  
3 certain matter, I'm not going to tell Mr. Lindgren what  
4 it's about, but on next Wednesday let's get together at  
5 five o'clock and talk about it - putting him a position  
6 where he can't be in a truly effective position to deal  
7 with it.

8 That's not the way things are done in a  
9 public hearing and I think it's entirely improper for  
10 it to be done in that fashion. The nature of a request  
11 to a public tribunal must be set out and parties must  
12 be given advance notice of it.

13 MR. LINDGREN: Just two brief  
14 -submissions, Madam Chair. I think it's safe to say  
15 that there have been occasions in this hearing where  
16 certain matters have been discussed without formal  
17 notices of motion. That's the first point.

18 The second point is that it's my  
19 understanding that tomorrow was selected for that  
20 discussion because that is a time when other counsel  
21 who have an interest in the matter may be available.  
22 I'm not sure if they will be available at a later  
23 point, and I'm speaking of out-of-town counsel.

24 I guess the third submission, or third  
25 point that I would make is that I have raised this

1 issue with Ms. Swenarchuk. I think it's fair to say at  
2 this point that we're asking the Board to review the  
3 matter and perhaps to determine what implications, if  
4 any, this letter has for the future direction of this  
5 hearing.

6 MADAM CHAIR: We can make no  
7 determination about that.

8 MR. LINDGREN: And it might be necessary  
9 for the Board to give directions: Well, bring a  
10 motion.

11 MADAM CHAIR: Yes. We can do nothing  
12 other than hear a request from the party. We are not  
13 prepared to make any--

14 MR. LINDGREN: That's right.

15 MADAM CHAIR: --sort of response to  
16 what --

17 MR. COSMAN: I would reply to that, with  
18 a strong objection. How can you be asked - I mean, you  
19 pointed out that you can't make, you can't do anything  
20 with that, first of all, and second of all, you  
21 certainly can't do anything with that without at least  
22 having the parties know what this is all about.

23 And I would request, and perhaps what I  
24 will do is contact Herman Turkstra, or even deal with  
25 Board counsel in this matter, because this is a matter

1 of legal nature.

2 MADAM CHAIR: He is the Board counsel,  
3 Mr. Cosman.

4 MR. COSMAN: Yes, that's what I mean, I  
5 will contact him because he is Board counsel to raise  
6 this, because it is a matter of concern to me.

7 I don't know what it's about. I mean, my  
8 problem is strictly -- I don't even know what position  
9 I'm going to take because I don't know what my friend  
10 wants to talk about with the Board, and it's entirely  
11 improper for them to talk with the Board; matters get  
12 before the Board by way of evidence, by way of  
13 application or motion if it's a legal matter, and on  
14 all occasions it's done with notice to the parties.

15 MS. DEVAUL: Madam Chair?

16 MADAM CHAIR: Ms. Devaul?

17 MS. DEVAUL: If I could just mention, I  
18 spoke with Don Colborne's secretary who has informed me  
19 that Mr. Colborne left for Toronto this morning.  
20 Although I have not spoken to him directly, my  
21 understanding is that part of the reason he's here is  
22 to attend tomorrow's, whatever.

23 MADAM CHAIR: Well, the Board is going to  
24 listen to a request tomorrow night, I have no idea what  
25 this is about.

1                   We won't be hearing submissions from the  
2 parties on where they stand on whatever this issue is  
3 and the Board is asking for Ms. Swenarchuk's request to  
4 be defined.

5                   We have no idea what she wants to talk  
6 about, it may be a matter of setting a date for some  
7 discussion in the future. The Board will not be making  
8 a ruling on anything that is said, and there is no  
9 expectation that the other parties will be in a  
10 position to make any formal comments on what she wishes  
11 to discuss with the Board.

12                  MR. COSMAN: If it's a matter of just  
13 putting the request before the Board without parties  
14 making submissions, I can accept that as being fair.

15                  MADAM CHAIR: I think that is all we can  
16 take from this letter.

17                  MR. COSMAN: But if the parties -- but if  
18 Mr. Colborne is coming down to make submissions, then  
19 that is improper and that would be unfair.

20                  I mean, parties can't come here having  
21 had only a few people get together to make submissions  
22 without other parties even knowing what it's about.  
23 The Board shouldn't receive submissions on that basis.

24                  MADAM CHAIR: The Board will only receive  
25 submissions about a request as to why we should hear--

1 MR. COSMAN: All right, whatever it is.

2 MADAM CHAIR: --whatever this situation  
3 is, I don't know.

4 MR. LINDGREN: And If I understand you,  
5 Madam Chair, you're not expecting to make a decision?

6 MADAM CHAIR: We won't make any  
7 decisions, except whether we want to hear something  
8 about it later in the future, if we set a date for --  
9 unless we ask that a motion be brought before us or we  
10 set a date for further discussions.

11 MR. LINDGREN: Very well. Thank you,  
12 Madam Chair.

13 MADAM CHAIR: Thank you.

14 We will adjourn until nine o'clock  
15 tomorrow morning.

16 ---Whereupon the hearing adjourned at 4:20 p.m., to be  
17 reconvened on Wednesday, June 27th, 1990, commencing  
at 9:00 a.m.

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